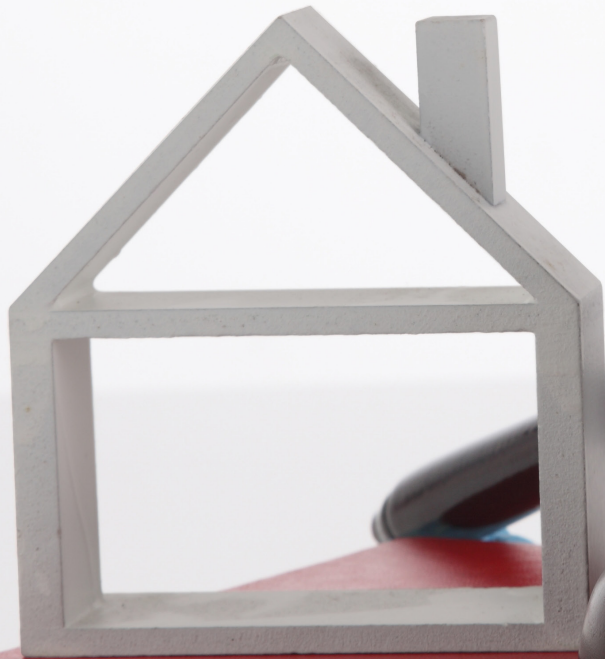




CHF Canada

# You, your staff and the law

Ontario 2019



# Contents

<b>1</b>	<b>About this guide</b>	<b>1</b>
<b>2</b>	<b>Employment: Basic rules for 2019</b>	<b>2</b>
	Work hours	2
	Transportation	3
	Wages	3
	Deductions	4
	Leaves	6
	Holidays and vacations	12
	When employment ends	13
	Records	15
	Social insurance number	15
	Posting	16
	Complaints and appeals	16
<b>3</b>	<b>The Human Rights Code</b>	<b>17</b>
	Fairness	17
	Harassment	18
	Making complaints	18
	The Accessibility for Ontarians with Disabilities Act (AODA)	19
<b>4</b>	<b>Workplace health and safety</b>	<b>21</b>
	Occupational health and safety	21
	WHMIS 2015 and the GHS	24
	Workplace safety and insurance	25
	Reporting	27
	Records	28
<b>5</b>	<b>Where to get more information</b>	<b>29</b>
	Employment standards	29
	Income tax, CPP and EI deductions	29
	Employment insurance	29
	Human rights	29
	Provincial legislation	30

# 1 About this guide

In different ways the board and staff are both important parts of the co-op. They need to see themselves as a team. Housing co-ops depend on the success of this working partnership to meet members' needs. Treating each other with fairness and respect is basic to good teamwork.

The board also needs to understand the rules it must follow as an employer. In fact, respecting employment laws is the best place to start building the partnership.

This publication is a quick guide to employment rules for 2019. It explains:

- what the co-op's board of directors *must do* as an employer—by law
- what the board *may do* as an employer
- where you can get more information.

It is important to remember that this guide describes the minimum employment standard. Your staff deserve fair treatment, which often means more than the bare requirements by law. After all, doesn't your co-op want staff who will go that extra mile?

Check this guide first. When in doubt, use the internet, check with your local federation, call the government phone numbers listed online, read the acts and talk to your lawyer to find out more. Section 5 of this guide includes a list of websites and phone numbers for employment-related websites of your provincial and federal governments. These websites include a wealth of information including providing some materials in multiple languages. You can also subscribe to various email updates and newsletters plus connecting to social media. Increasingly, forms can be submitted online or at least completed online and printed for mailing. Some websites also include calculation tools, videos, and other learning resources. For general topics like health and safety or human rights, you may also wish to look at resources available in other provinces.

***You, Your Staff and the Law* is intended only as a guide for general information.**



## 2 Employment: Basic rules for 2019

In Ontario, the *Employment Standards Act, 2000* (ESA) covers working conditions in Ontario. There were significant amendments to this legislation under the *Fair Workplaces, Better Jobs Act* (2017). In 2018 and 2019, several bills were enacted that overturned some of these provisions.

The publication, *Your Guide to the Employment Standards Act*, is available at:

[www.ontario.ca/document/your-guide-employment-standards-act-0](http://www.ontario.ca/document/your-guide-employment-standards-act-0)

The ministry website also includes information about exemptions from ESA and where special rules apply. For example, superintendents, janitors and caretakers who live and work in the same residential buildings are exempt from some minimum standards.

[www.ontario.ca/document/industries-and-jobs-exemptions-or-special-rules/household-landscaping-and-residential-building-services#section-3](http://www.ontario.ca/document/industries-and-jobs-exemptions-or-special-rules/household-landscaping-and-residential-building-services#section-3)

### Work hours

#### A normal day

Under the *Employment Standards Act*, staff can only be required to work eight hours per day or 48 hours in a week. The co-op and employee can agree in writing to a longer regular workday but the agreement must be in writing.

Staff must be paid for all hours worked and must be paid for all overtime.

Staff have a right to an unpaid ½ hour meal break after five hours of work. Coffee breaks or other rest periods are not required by law, so it's up to the co-op.

Staff must have 11 hours in a row off work every day, 8 hours off between shifts and 24 consecutive hours in each work week. If an emergency occurs, staff can be required to work without their consent.

#### Overtime

Overtime pay is at least 1½ times staff's regular rate of pay. For most staff, overtime begins when they work more than 44 hours in a work week.

If an employer wants an employee to work more than 48 hours a week, the employer must:

- give employees a copy of the handout *Information for Employees About Hours of Work and Overtime Pay* (April 2019) available at:  
[www.labour.gov.on.ca/english/es/pdf/info\\_hours\\_2019.pdf](http://www.labour.gov.on.ca/english/es/pdf/info_hours_2019.pdf)
- obtain an agreement electronically or in writing from the employee

To cancel an agreement:

- employees must give two weeks written notice
- employers must give reasonable written notice.



The co-op and staff can agree to average staff's hours over a period of up to four weeks. The agreement must have an expiry date and can only be revoked by the agreement of both parties.

Staff may also bank time and take "time off in lieu". Any banked overtime must be calculated at 1½ hours for every hour worked. Time must be taken off within 3 months or within 12 months if the employee agrees electronically or in writing.

When a job ends, overtime must be paid within 7 days or on the next pay day.

*Do co-ops have to pay every employee for overtime?* Yes, with two exceptions. A very large co-op could have a manager whose *only* work is supervising other staff, or who could hire and fire other staff without the board's permission. This manager may also be able to make important financial decisions alone, such as buying expensive equipment without consulting the board or members. Any co-op that has given its manager this much responsibility and authority doesn't have to pay that manager overtime.

The other exception is that you do not have to pay overtime to a building superintendent, janitor or caretaker if they live in the building. For more information, contact the nearest Ministry of Labour office.

An employee has the right to refuse to work more than 48 hours a week or eight hours a day, without penalty.

## Coming in to work

If the co-op tells an employee to come into work and they work less than three hours, the co-op must pay whichever is greater:

- three hours at minimum wage, or
- their regular wage for the time actually worked.

*Does this rule apply to all staff?* Yes, except for:

- students (of all ages)
- staff who normally work less than three hour shifts.

## Transportation

Under the *Employment Standards Act (ESA)* the co-op does not have to provide transportation for staff, even if they work very late at night or early in the morning. So it's up to the co-op and its staff to work out a suitable arrangement about transportation if required.

## Wages

### Minimum wage for 2019

The general minimum wage is the lowest hourly wage a co-op can pay its staff. Effective January 1, 2018, the rate is \$14.00 per hour. This rate is effective until September 30, 2020 when it may be adjusted for inflation.

The requirement that employers pay the same amount to part-time, temporary, casual and seasonal employees doing the same jobs as full-time employees has been repealed.

The implementation of Pay Transparency Act requiring employers to include a salary range in public job postings had been indefinitely postponed from the original January 1, 2019 implementation.

## How to pay

The co-op must pay its staff on a regular payday: weekly, every two weeks, twice a month, or monthly.

The employee can be paid at either the co-op office or, if the employee agrees, by direct deposit into a bank or credit union account in their name. The law allows payment in cash, but co-ops should pay staff by cheque or direct deposit only.

## Statements

The co-op must give each employee a statement along with their paycheque that shows:

- the number of hours, days or weeks they are being paid for
- their hourly, weekly or monthly rate of pay
- the total payment (gross pay) and how calculated
- how much has been deducted, and why
- how much they are receiving, after deductions (net pay).

The statement must be in writing or provided by email as long as the employee is able to print a copy at the workplace.

## Wage Earner Protection Program

The federal government's Wage Earner Protection Program (WEPP) reimburses eligible workers for unpaid wages, vacation pay, severance pay and termination pay they are owed when their employer declares bankruptcy or becomes subject to a receivership. The maximum payment is the equivalent of seven weeks of Employment Insurance (EI) earnings. For more information:

[www.canada.ca/en/employment-social-development/services/wage-earner-protection.html](http://www.canada.ca/en/employment-social-development/services/wage-earner-protection.html)

## Deductions

### From salaries and wages

The co-op must make some deductions from staff paycheques, including cheques for vacation and overtime pay.

These deductions are for:

- income tax
- Canada Pension Plan (CPP)
- Employment Insurance (EI)



The amount to be deducted is calculated using tables supplied by the Canada Revenue Agency. Once a month the co-op must pay the Receiver General for these held-back amounts plus the employer's share. Some small employers can apply to CRA to remit on a quarterly basis.

Sometimes a co-op arranges for an independent contractor, such as a bookkeeper, to spend a certain number of hours each month working at the co-op on a freelance basis. In this case, the co-op doesn't hold back income tax, CPP or EI.

*How can a co-op tell if a staff member should be treated as an independent contractor or an employee?*  
An employee:

- has a permanent job that takes more than a few hours a week
- works only for that co-op and has no other clients
- works regular, fixed hours
- is not registered as a business.

If the board decides to overlook these hallmarks and treat someone as an independent contractor, it's taking a risk. The Ministry of Labour or Canada Revenue Agency might decide the "freelancer" is really an employee. The co-op would then have to send the Receiver General all the deductions it should have collected but didn't. The Canada Revenue Agency publication *Employee or Self-Employed* (RC4110) has more information.

[www.canada.ca/en/revenue-agency/services/forms-publications/publications/rc4110.html](http://www.canada.ca/en/revenue-agency/services/forms-publications/publications/rc4110.html)

Under the ESA, misclassification of an employee as an independent contractor is expressly prohibited.

**Note: The directors are *personally liable* for these deductions if the co-op fails to make them.**

The co-op can't make deductions from staff wages unless the law requires it or the staff member agrees in writing. The co-op can't ask a staff member to agree to a deduction for:

- work that was poorly done
- missing cash, equipment or materials, if anyone else could have taken the cash, equipment or materials.

An employee may agree in writing to a deduction for benefits not paid for by the co-op, or for a staff social activities fund.

## From bonuses and gifts

A bonus, gift or award is a taxable benefit whether it is cash, near-cash (i.e., gift card) or non-cash. If a benefit is taxable then you must also deduct CPP. If the gift or award is cash then you must also deduct EI.

CRA's administrative policy exempts some non-cash gifts and awards in some cases:

- You may give an employee an unlimited number of non-cash gifts and awards that do not have a total value of more than \$500 in one year. If the fair market value of the gift/award is more than \$500 then the amount over \$500 must be included in the employee's income.
- Items of a small or trivial value are not considered a taxable benefit and do not count toward the \$500 threshold. Examples include coffee or tea, plaques, T-shirts with employee logos.



- Once every five years the employer can give a tax-free non-cash long service or anniversary award valued at \$500 or less. Five years must elapse between awards. This is in addition to the annual allowance for a \$500 non-cash gift or award.
- The employer can provide a free social event once a year for all employees and if the cost is less than \$150 per person, it is not a taxable benefit.
- Hospitality provided as part of a work session (i.e., planning, training, and networking) is not a taxable benefit. Hospitality provided to celebrate work or thank an employee is taxable and must be included in income.

## Employer Health Tax (EHT)

If the total staff payroll for the year is less than \$490,000, the co-op is exempt from paying EHT. If the total staff payroll for the year is more than the EHT exemption amount above, the co-op must pay provincial EHT in annual, quarterly or monthly instalments. The payment is set as a percentage of the total wages paid by the co-op. It is not a deduction from staff earnings, but a tax levied on Ontario businesses.

## Leaves

The following table provides a summary of leaves of absence. The purposes of some leaves overlap but the length, eligibility and other details are different. An employee may be eligible for more than one type of leave for the same situation. The employee has the right to choose which type of leave(s) to take. All leaves are job-protected (employee returns to their job or a comparable one) and the employee continues to earn length of service credits.

Significant changes were made to leave provisions effective January 1, 2018 adding new leaves and amending the details of others. There were further changes in early 2019.

Employment Insurance Caregiving benefits and the federal income support for Parents of Young Victims of Crime benefits may complement some provincial leave entitlements. They each have their own eligibility requirements.

LEAVE	PAID	MAXIMUM LENGTH	CONSECUTIVE	BENEFIT PLANS CONTINUE
Pregnancy	No but EI benefits may be available	17 weeks	Yes	Yes
Parental	No but EI benefits may be available	35 (for birth mothers) or 37 weeks	Yes	Yes
Sick	No	3 days	No	Yes
Bereavement	No	2 days	No	Yes
Family responsibility	No	3 days	No	Yes

LEAVE	PAID	MAXIMUM LENGTH	CONSECUTIVE	BENEFIT PLANS CONTINUE
Family caregiver	No but EI caregiving benefits may be available	8 weeks	No	Yes
Family medical	No but EI caregiving benefits may be available	28 weeks	No but 1-week minimum	Yes
Critical illness	No but EI caregiving benefits may be available	37 weeks for illness of a child 17 weeks for illness of an adult	No	Yes
Organ donor	No	13 weeks, plus an additional 13 weeks	Yes	Yes
Reservist	No	Time necessary to engage in the operation	Yes	No
Child death	No but federal income support may be available if related to a crime	104 weeks	Yes	Yes
Crime-related child disappearance	No but federal income support may be available	104 weeks	Yes	Yes
Domestic or sexual violence	First 5 days paid	10 days or 15 weeks	No	Yes

## Pregnancy leave

An employee qualifies for pregnancy leave if she has worked for the co-op for at least 13 weeks before her baby is due.

A qualified employee has a right to take unpaid pregnancy leave of up to 17 weeks starting any time during the 17 weeks before her baby is due. Once started the leave must be taken all at once.

An employee must give the co-op two weeks written notice of the date she wants the leave to start, and if requested, a medical practitioner's letter stating when the baby is due. After pregnancy leave starts, an employee must give the co-op at least four weeks written notice before the date of any change in plans.

While an employee is on pregnancy leave, the co-op must continue to contribute to any pension, Registered Retirement Savings Plan, life insurance, accidental death, extended health and dental plans, unless the employee has told the co-op in writing that she doesn't want to pay her normal share (if any) to keep the benefit.

The co-op must continue to calculate the employee's seniority and vacation time throughout the pregnancy leave.

The co-op must give the job back to the employee when her pregnancy leave ends, at the same (or higher) rate of pay.

## **Parental leave**

Any employee can claim parental leave if they are:

- the natural (birth) parent of a child
- an adoptive parent
- a person who is in a relationship with the parent of a child and who plans to treat the child as their own.

An employee in any of the above situations qualifies for unpaid parental leave if they have worked for the co-op for at least 13 weeks before the child is due or comes into their custody, care and control.

For a birth mother, the leave starts when pregnancy leave ends or within 78 weeks of the date when the child comes into her custody, care and control. She is eligible for up to 61 weeks of parental leave.

Other parents get 63 weeks parental leave.

For all other parents, the leave starts within 78 weeks of:

- the child's birth
- the date when the child comes into their care.

An employee must give two weeks written notice if they want to take parental leave. Employees can take shorter leave if they wish but once started they must take it all at one time. Their letter of notice should include the length of leave they will take. The employee needs to provide 4 weeks of written notice if they wish to change their return date.

While an employee is on parental leave, the co-op must continue to contribute to any pension, Registered Retirement Savings Plan, life insurance, accidental death, extended health and dental plans, unless the employee has told the co-op in writing that they don't want to pay their normal share (if any) to keep the benefit.

While an employee is on pregnancy leave, the co-op must continue to contribute to any pension, Registered Retirement Savings Plan, life insurance, accidental death, extended health and dental plans, unless the employee has told the co-op in writing that she doesn't want to pay her normal share (if any) to keep the benefit.

The co-op must continue to calculate the employee's seniority and vacation time throughout the parental leave.

The co-op must give the job back to the employee when parental leave ends without any reduction in pay.

## **Maternity and parental EI benefits**

EI maternity benefits are offered to biological mothers, who cannot work because they are pregnant or have recently given birth. A maximum of 15 weeks of EI maternity benefits is available. The weekly benefit rate is 55% of the claimant's average insurable earnings up to the maximum amount.

EI parental benefits are offered to parents who are caring for a newborn or newly adopted child or children. There is a choice of standard or extended parental benefits.

- Standard parental benefits can be paid for a maximum of 35 weeks and must be claimed with a 52-week period after the week the child was born or placed for the purpose of adoption. The weekly benefit rate is 55% of the claimant's average insurable earnings up to the maximum amount. The two parents can share these 35 weeks of standard parental benefits, which adds 5 weeks (total 40 weeks).
- Extended parental benefits can be paid for a maximum of 61 weeks and must be claimed within 78-week period after the week the child was born or placed for the purpose of adoption. The benefit rate is 33% of the claimant's average insurable earnings up to the maximum amount. The two parents can share these 78 weeks of extended parental benefits, which adds 8 weeks (total 69 weeks).

## **Personal emergency leave**

This leave entitlement has been repealed and replaced with three new leaves: Sick, Bereavement and Family Responsibility.

### **Sick leave**

The *ESA* provides up to three days of unpaid, job-protected leave each year for personal illness, injury or medical emergency. The employer may require a medical note from a health practitioner that the employee is eligible for the absence.

### **Bereavement leave**

The *ESA* provides up to two days of unpaid, job-protected leave each year because of the death of certain family members. The legislation includes a list of eligible family members. The employer may require evidence "reasonable in the circumstances" to support the absence.

### **Family responsibility leave**

The *ESA* provides for up to three days of unpaid, job-protected leave each year because of illness, injury, medical emergency or urgent matter relating to certain relatives. The legislation includes a list of eligible family members. The employer may require evidence "reasonable in the circumstances" that they are eligible for family responsibility leave.

## Family caregiver leave

Under Family Caregiver Leave, employees may be eligible for unpaid, job-protected leave of up to 8 weeks per calendar year per family member to provide care or support for a family member with a serious medical condition. The leave does not have to be taken consecutively. The employee must provide written notice as soon as possible. They must also provide a medical certificate from a qualified medical practitioner.

## Family medical leave

Family medical leave is unpaid, job-protected leave of up to 28 weeks in a 52-week period.

Family medical leave may be taken to give care and support to certain family members and people who consider the employee to be like a family member who is seriously ill. A qualified health practitioner must issue a certificate showing that the family member has a serious medical condition and they are at risk of dying within a period of 26 weeks. The leave does not have to be taken consecutively and it can be shared.

The employee may be eligible for benefits under the federal Employment Insurance Caregiving Benefits. Eligibility for leave is not the same as eligibility for benefits. See below.

## Critical illness leave

Employees may be eligible for unpaid, job-protected leave of up to 37 weeks within a 52-week period to provide care or support to a critically ill child of the employee or 17 weeks of leave for an adult the employee considers family. The leave does not have to be taken consecutively. The employer must provide a medical certificate from a qualified medical practitioner. This leave can be extended.

The employee may be eligible for benefits under the federal Employment Insurance Caregiving Benefits. Eligibility for leave is not the same as eligibility for benefits. See below.

## Organ donor leave

The *ESA* provides unpaid, job-protected leave for workers who donate certain organs to another individual. It provides 13 weeks to an employee donating all or part of an organ to another person. The initial leave can be extended for an additional 13 weeks due to medical need.

## Reservist leave

The *ESA* provides job-protected, unpaid leave for military reservists serving on certain domestic operations and for international deployments. To be eligible the reservist must have worked for the co-op for at least six consecutive months. This obligation applies to all employers covered by the *ESA*, regardless of size. The reservist must provide reasonable notice in writing.

## Child death

Child death leave provides 104 weeks of unpaid, job-protected leave after 6 months of employment in the event of the death of a child. Written notice must be provided as soon as possible including the number of weeks of leave the employee will take. Employees must provide 4 weeks of written notice to change the date of return. Leave must be taken in a single period but it may be shared and parents may take time together or separately.

If the child’s death is the result of a crime, the employee may be eligible for federal income support under the Canadian Benefit for Parents of Young Victims of Crimes. It provides \$450 every two weeks for up to 35 weeks during the two-year period immediately following the incident.

[www.canada.ca/en/employment-social-development/services/parents-young-victims-crime/brochure.html](http://www.canada.ca/en/employment-social-development/services/parents-young-victims-crime/brochure.html)

### Crime-related child disappearance leave

Employees may be eligible for unpaid, job-protected leave of up to 104 weeks for parents of a child who is missing as a result of a crime. The leave must be taken in a single period but it may be shared and parents may take time together or separately.

The employee may be eligible for federal income support under the Canadian Benefit for Parents of Young Victims of Crimes. It provides \$450 every two weeks for up to 35 weeks during the two-year period immediately following the incident.

[www.canada.ca/en/employment-social-development/services/parents-young-victims-crime/brochure.html](http://www.canada.ca/en/employment-social-development/services/parents-young-victims-crime/brochure.html)

### Domestic or sexual violence leave

Domestic or sexual violence leave is a job-protected leave of absence. It provides up to 10 days and 15 weeks in a calendar year of time off to be taken for specific purposes when an employee or an employee’s child has experienced or been threatened with domestic or sexual violence. The first five days of leave taken in a calendar year are paid, and the rest are unpaid.

### Federal caregiving benefits

Through federal Employment Insurance, employees may be eligible to receive financial assistance of up to 55% of earnings, to a maximum of \$562 per week. These benefits will help the employee take time away from work to provide care or support to a critically ill or injured person or someone needing end-of-life care. The employee does not need to be related to or live with the person they care for or support, but they must be considered to be like family. The right to any of the above leaves of absence are not the same as the right to caregiving benefits. Eligibility for each is different.

THREE TYPES OF CAREGIVING BENEFITS		
BENEFIT NAME	MAXIMUM WEEKS PAYABLE	WHO IS RECEIVING CARE
Family caregiver benefit for children	Up to 35 weeks	A critically ill or injured person under 18
Family caregiver benefit for adults	Up to 15 weeks	A critically ill or injured person 18 or older
Compassionate care benefits	Up to 26 weeks	A person of any age who requires end of life care

For more detail: [www.canada.ca/en/services/benefits/ei/caregiving.html](http://www.canada.ca/en/services/benefits/ei/caregiving.html)

## Time to vote

Staff is entitled to the following voting time on election day while the polls are open:

- three consecutive hours for a federal election
- three consecutive hours for a provincial election
- three consecutive hours for a municipal election.

Staff may shorten their work day to ensure that they have time to vote before the polls close, or just after they open. The employer cannot impose any penalties or deduct pay.

## Holidays and vacations

### Public holidays

These holidays are:

- New Year's Day
- Family Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day
- Boxing Day

Full-time, part-time and student employees get these days off with pay unless they failed without reasonable cause to work their regularly scheduled day before and after the holiday.

If an employee who qualifies for a paid holiday has agreed electronically or in writing to work on the holiday, the co-op must either:

- pay for all hours worked plus give a "substitute holiday" (day off with pay), if the employee agrees to it, up to 12 months after the public holiday, or
- pay them at least 1½ times their normal rate of pay for the hours they work, *plus* one full day's pay.

If a public holiday falls on a day that isn't a work day or during the employee's vacation, the employee is entitled to:

- a substitute holiday off with public holiday pay, or
- public holiday pay for the public holiday.

An employee who qualifies can refuse to work on a holiday. Staff who do not qualify for a paid holiday must be paid 1½ times their normal rate for working that day.

### Civic holidays

Civic holidays are:

- Easter Monday
- First Monday in August
- Remembrance Day

These are not paid holidays by law, but co-ops often give staff one or more of these days off, with or without pay. The co-op and its staff should work out an agreement about this.

## Vacations

After one full year of employment, the co-op must give its staff, including full-time, part-time seasonal and students:

- at least two weeks paid vacation, or
- vacation pay equal to at least 4% of their total pay for the year.

After 5 years of employment, this increases to 3 weeks vacation and vacation pay of 6%.

These two/three weeks may be taken in a row or blocks of one/two week(s) each. With written permission from the employer, staff may take vacation in shorter periods. Staff must be given this vacation time no later than ten months after the end of their first year.

Staff get either public holiday pay or a working day off later if a paid public holiday occurs while the employee is on vacation.

While the employee is taking their vacation, the co-op must continue to pay them at their regular rate. Their pay for those two weeks must be at least 4% of their total earnings for the year And 6% for 3 weeks.

An employee must normally receive their vacation pay in a lump sum before taking a vacation. One exception is if the co-ops pays by direct deposit.

Employees may request in writing a statement containing the information in the employer's vacation record. The employer is required to provide this information no later than the latter of 7 days after the request or the first pay day after the request.

## When employment ends

### Dismissal

Under the *Employment Standards Act*, a co-op can dismiss an employee at any time but must provide the employee with proper written notice or pay in place of notice.

Note: Before dismissing an employee, consult your lawyer. Do it right, or not at all. This is because the law for independent contractors and employees hired for specific periods is different.

### *The process*

The board hires and dismisses staff by majority decision, unless it has chosen to give a senior employee authority to make this decision. The normal legal rule is that, staff who have worked for the co-op at least three months must be dismissed in writing.

Once a decision has been made, a director or senior manager hands the employee the letter of dismissal or sends it by registered mail. The board of directors must be able to confirm that the employee received the letter.

The dismissal letter must include:

- the date of the last day to be worked
- the reason for dismissal
- when benefits end
- the length of notice, or amount of payment in place of notice.

The co-op must complete a *Record of Employment*, (ROE). If a paper version is completed, a copy must be sent to Service Canada and the employee *within* five calendar days of the dismissal. If the ROE is submitted electronically the deadline is *within* five calendar days of the end of the pay period in which the dismissal occurred. Federal Employment Insurance rules require this. The co-op as the employer may be subject to penalties if this information is not filed.

The co-op must also pay the employee:

- all wages owed to them *within* seven days or on the employee's next regular pay day; whichever is later
- any vacation they have earned but not taken by the end of the notice period.

The co-op must continue to make the benefit plan contributions required to maintain an employee's benefit plans during the notice period, even if the employee received termination pay instead of notice.

### **Notice**

Most staff have a right to notice if they are being dismissed. The co-op can't just order them to leave. The general rule is that length of notice increases with length of service. Staff who have worked for the co-op more than three months but less than one year have a right to at least one- week notice. If an employee has worked more than one year but less than three years, they have a right to two weeks notice, plus one extra week for each additional year they have worked, up to a total of eight weeks.

Remember that these standards are the legal minimum. In general, the more responsibility an employee has, the longer they worked at the co-op and the greater their age, the more notice the co-op should give them.

### **Dismissal without notice**

The board may dismiss an employee without notice if it pays the employee in place of giving notice, and continues employee benefits for what would have been the notice period.

The board may also dismiss an employee without notice if they were:

- hired less than three months earlier
- are still in a probationary period (as agreed to upon hiring)
- hired for a stated task (for example, to do yearly calculations of housing charge assistance) and the work is finished
- hired for a stated period of time (for example, to replace another employee during pregnancy or parental leave and the employee returns)
- dismissed for "just cause" (wilful misconduct, disobedience, deliberate neglect of duty).

**Be very, very careful**—“just cause” for dismissal is a legal term. It is not the same as the reasons the co-op might use to describe why it intends to dismiss an employee. “Just cause” means the employee has conducted themselves in a way the courts would approve to allow the co-op to terminate employment without notice or payment of an amount of money instead of notice. Often an employee dismissed for “just cause” will take the co-op to court, a costly route even if the co-op ultimately wins.

The co-op is always on safer grounds if it dismisses an employee “without cause” even if it feels it has good reason because, while the co-op will have to pay an amount equal to the legal notice period or give the employee the notice period the law requires, any disputes about the proper amount or period of notice are often settled without having to go to court. The safest route is to consult a lawyer.

## Resignation

Under the *Employment Standards Act* an employee does not have to give any notice before leaving their job with the co-op.

For its own protection, the co-op needs a written contract with its staff, agreeing on a fair notice period and other employment matters. If your co-op would like to explore this approach, contact your local federation or CHF Canada for help.

## Records

The co-op must keep employment records as follows:

- employee’s name, address and employment start date (for 3 years after the employee stopped working for the co-op)
- employee’s date of birth if the employee is a student under 18 (for 3 years after the employee stopped working for the co-op or the employee’s 18th birthday)
- hours worked by the employee each day and week (for 3 years after the last day or week of work)
- regular rate for each hour of overtime worked, where the employee has two or more regular rates of pay (3 years)
- retention of written agreements to work excess hours or average overtime pay (for 3 years after the last day work performed under the agreement)
- substituted day off for public holiday (for 3 years)
- retention of vacation time records (for 5 years)
- retention of vacation pay records (for 5 years)
- information contained in an employee’s wage statement (for 3 years)
- information related to leaves (for 3 years after leave expired)

Canada Revenue Agency requires the co-op to keep payroll records (hours of work and statutory deductions) for six years. This includes TD1s, information slips and returns that are filed.

## Social insurance number

Every person who works in Canada must have a social insurance number (SIN). The SIN is a personal identification number that is used by government departments and agencies (e.g., Canada Revenue Agency) for income-related information. SINs are issued only as a confirmation letter, no longer as

a plastic card. Employers are required to request a new employee's SIN card within 3 days of the employment start date and to record the name.

If a Social Insurance Number (SIN) begins with 9 it is only valid until the expiry date on their immigration document. (SINs that begin with the number 9 are issued to temporary foreign workers who are neither Canadian citizens nor permanent residents.)

## Posting

All employers must provide a copy of a poster called *Employment Standards: Fair At Work* (Version 8.0) to each new employee. Employers may be fined if they fail to provide the poster within 30 days of hire. This poster is available in 14 languages. You can download version 8 here:

<https://files.ontario.ca/employment-standards-in-ontario.pdf>

Employers must post *Health and Safety at Work: Prevention Starts Here* (June 2012). It is available in 20 languages. You can download it here:

[https://files.ontario.ca/posters/poster\\_prevention.pdf](https://files.ontario.ca/posters/poster_prevention.pdf)

Copies of these posters are also available from ServiceOntario Publications at:

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

Note that posters sold by private companies do not comply with the legislated requirements.

## Complaints and appeals

If an employee thinks the co-op hasn't obeyed the *Employment Standards Act*, they may first try to settle the matter through direct discussion with the co-op.

If the employee still isn't satisfied, they may file a claim on-line with the Ministry of Labour. The co-op can't punish staff in any way for doing this.

For more information about the claim process:

[www.labour.gov.on.ca/english/es/pubs/start/index.php#steps](http://www.labour.gov.on.ca/english/es/pubs/start/index.php#steps)

An employment standards officer will get in touch with the co-op, explain the employee's position and invite the co-op to respond. The officer has a right to see the records as well as the co-op's books.

If the officer can't settle the dispute, a Payment of Wages Order, Compliance Order or ticket may be sent to the co-op or its directors. The co-op can appeal by asking the Ministry of Labour in writing to hear the case within 30 days of getting this order. If an employee files a claim they cannot also go to court against the co-op on the same matter. Call the Ministry of Labour, listed in Section 5, for more details.

## 3 The Human Rights Code

The *Human Rights Code* is a law that protects workers, including employees, independent contractors and volunteers, by giving them a right to fair treatment on the job, or when applying for a job. Workers are also guarded by law from hurtful actions or comments of certain kinds, and from unwelcome sexual advances.

There are three parts to the human rights system in Ontario:

- Human Rights Commission (OHRC) works to prevent discrimination and promote and advance human rights. It has the power to conduct public inquiries, initiate their own complaints and intervene in proceedings at the Human Rights Tribunal.
- Human Rights Tribunal (HRT) processes human rights complaints.
- Human Rights Legal Support Centre (HRLSC) offers independent human rights-related legal and support services to individuals (not the co-op) and determines if rights have been violated.

The Commission has launched e-learning resources on their website, including information on employment and housing.

### Fairness

The *Human Rights Code* ensures a fair basis for hiring and promotion. The co-op can't discriminate on the basis of:

- age
- ancestry, colour, race
- citizenship
- ethnic origin
- place of origin
- creed (religion)
- disability
- family status
- marital status (includes single status)
- gender identity and gender expression
- receipt of public assistance (housing only)
- record of offences (in employment only)
- sex (includes pregnancy, sexual harassment)
- sexual orientation

The Code protects all workers 18 and over against discrimination in employment on the basis of their age. This includes the co-op's decisions about hiring, promotion, training opportunities or termination. Mandatory retirement is only allowed if there is a genuine occupational requirement.

## Harassment

Actions or comments that are known, or reasonably should be known, to be bothersome, threatening or insulting are considered harassment. The co-op must protect its staff from harassment for any of the characteristics listed above.

Co-op staff have a right to a healthy and safe workplace. When a conflict occurs between members and staff, the co-op needs to have a way to resolve it. A model policy and procedure is available. Contact your local federation, staff association or CHF Canada for more information.

The co-op must also protect its staff from the following types of harassment:

- harassment because of the employee's sex, by:
  - a director
  - an agent of the co-op
  - a co-op member
  - another employee
  - someone doing business with the co-op
- sexual advances from anyone able to grant or refuse a benefit, if that person knows the advance is unwelcome
- threat or punishment for refusing a sexual advance made by anyone able to grant or refuse a benefit to the employee.

CHF Canada has published a *Model Human Rights By-law* for Ontario co-ops. It is available in the Resource Centre on the CHF Canada website.

There is more information on violence and harassment in this guide in Section 4 Health and Safety.

## Making complaints

As an employer, the board of directors needs to know what to do, and what to expect, if harassment takes place.

If possible, the employee should tell the person harassing them to stop doing so. If harassment continues, the employee should complain to the board, a senior employee, or the director they are closest to. Their local staff association or co-op housing federation may be able to help them present the complaint. At this time, the co-op representative will take appropriate action.

An employee has the right to make a complaint to the OHRT at any time, though the employee must file the complaint within one year of the incident. The OHRT itself may also file a complaint if a matter should be looked into but the employee doesn't wish to place an official complaint.

The OHRT must study all complaints, whoever makes them. Tribunal officials studying a complaint may enter the co-op during reasonable hours to:

- inspect the workplace, co-op books and other papers
- take away documents to copy
- question anyone who may have information about the complaint.

The co-op and its staff should be aware that some time may pass between the date of the incident and the settlement of a complaint by the Tribunal. Non-legal approaches, such as mediation, may be less stressful and have better results. HRT offers voluntary and confidential mediation services once a complaint has been filed. A worker cannot be punished or threatened with punishment for exercising their rights under the *Human Rights Code*.

## The Accessibility for Ontarians with Disabilities Act (AODA)

The *Accessibility for Ontarians with Disabilities Act* provides the framework for the development of province-wide mandatory standards on accessibility in all areas of daily life. There are accessibility standards in five areas:

- customer service
- employment
- information and communication
- transportation
- built environment/design of public spaces

To meet accessibility standards, non-profits with less than 50 employees must:

- Train your staff and volunteers to serve customers of all abilities
- Welcome service animals and support persons
- Create accessible ways for people to provide feedback
- Put an accessibility policy in place so employees, volunteers and customers know what to expect
- Provide accessible emergency public safety information
- Provide accessible emergency information to staff
- Create accessibility policies
- Train staff and volunteers on Ontario's accessibility laws
- Make it easy for people with disabilities to provide feedback when asked
- Make your public information accessible when asked (i.e., hiring process, workplace information, communicate accessibility policies)
- Make your employment practices accessible
- Make new or redeveloped public spaces accessible

The Accessibility Standard for Employment will help Ontario businesses and organizations make accessibility a regular part of finding, hiring and supporting employees with disabilities. Organizations must:

- let job applicants know that recruitment and hiring processes will be modified to accommodate their disabilities, if requested
- build the accessibility needs of employees into their human resources practices
- create a written process (not applicable to small organizations) for developing and documenting individual accommodation plans for employees with disabilities

- help employees stay safe in an emergency by providing them with individualized emergency response information when necessary
- At CHF Canada’s website Resource Centre search for AODA and you will find sample policies, forms and tip sheets to help you communicate with members and staff with disabilities.

The Human Rights Commission e-learning resources include a short course that meets training requirements for staff and volunteers under AODA regulations. It is a 5-part, 20-minute program entitled *Working Together: The Code and AODA*.

[www.ohrc.on.ca/en/learning/working-together-code-and-aoda](http://www.ohrc.on.ca/en/learning/working-together-code-and-aoda)



## 4 Workplace health and safety

The *Occupational Health and Safety Act (OHSA)* is Ontario's cornerstone legislation for workplace health and safety. Other contributing legislation includes the *Workplace Safety and Insurance Act (WSIA)*, part of which deals with the prevention of occupational injury and disease and the *Human Rights Code*, which often has to be considered in dealing with OHS issues. WHMIS is a Canada-wide law relating to hazardous materials in the workplace.

### Occupational health and safety

The purpose of Ontario's *Occupational Health and Safety Act* is to protect workers against health and safety hazards on the job. It establishes procedures for dealing with workplace hazards and rights for workers, plus enforcement if compliance is not voluntary. The Ministry of Labour is responsible for co-ordinating workplace injury and illness prevention strategies.

#### Rights and responsibilities

The employer has a duty to:

- take all reasonable precautions to protect the health and safety of workers
- ensure that equipment, materials and protective equipment are in good condition
- provide information, instruction and competent supervision to protect worker health and safety.

In addition, the co-op must:

- comply with all regulations made under the *OHSA*
- develop and implement a health and safety program and policy, including an emergency plan (in workplaces with more than five workers)
- post a copy of the *OHSA* in the workplace.

Every officer and director must take all reasonable care to ensure the co-op complies with the *OHSA* and its regulations.

Workers must take responsibility for personal health and safety. Specific duties include:

- work in compliance with the *Act* and regulations
- use any equipment, protective devices or clothing required by the employer
- tell their supervisor about any known missing or defective equipment or protective device that may be dangerous
- report any workplace hazards to the employer.

Workplaces with five or fewer employees are exempt from the requirement to have a joint health and safety committee or a representative. The co-op should still consult regularly with workers about health and safety.

## Training

Employers are required to provide all workers and supervisors with basic occupational health and safety awareness training as soon as practicable after employment starts. The employer must keep records of this training. Upon request, the employer must provide the employee with written proof of completion of the training. This awareness training does not replace specific workplace health and safety training.

The Ministry of Labour has developed training resources that an employer can use to meet their obligations:

[www.labour.gov.on.ca/english/hs/training](http://www.labour.gov.on.ca/english/hs/training)

The co-op is required to post the *Health and Safety at Work* poster (June 2012) in English and the majority language of the workplace. The poster is available in 20 different languages.

[www.labour.gov.on.ca/english/hs/pubs/poster\\_prevention.php#download](http://www.labour.gov.on.ca/english/hs/pubs/poster_prevention.php#download)

## Unsafe working conditions and workplace injuries

Health and safety concerns should first be brought to the attention of their supervisor. If the co-op does not correct the situation, the worker can report it to the Ministry of Labour. The *OHS*A prohibits reprisals against workers who exercise their rights under the *Act*.

Workers have a right to refuse unsafe work. The procedure is outlined in the *OHS*A, Section 43.

There is a section below under Workers' Safety and Insurance that covers accidents and injuries in the workplace.

## Special health and safety issues

The Canadian Centre for Occupation Health and Safety ([www.ccohs.ca](http://www.ccohs.ca)) is a federal agency that provides resources on work-related injury and illness prevention initiatives and occupational health and safety information.

Some particular health and safety issues for co-ops to consider:

- working alone – many co-op staff work alone and this places them at a higher risk for violence
- sun exposure – landscape workers will spend long periods outside exposed to the sun
- youth workers – statistics show that youth workers are at a higher risk for injury
- repetitive strain injury – anyone who repeatedly makes the same motion, using a keyboard or turning a screw, is at risk for long term damage
- workplace violence – the incidence is higher in workplaces dealing with the public, dealing with people with mental illness or that are responsible for enforcement
- infectious diseases – workers who clean up bodily fluids and waste are at risk for various infectious diseases
- asbestos – a hazardous material found in many building components used before 1990
- confined spaces – workers in an enclosed or partially enclosed space not primarily designed for human occupancy (i.e., duct work) are at increased risk due to poor air quality, temperature extremes, fire, and evacuation in the event of an emergency. Employers must have a written plan relating to work in any confined spaces.

## Violence and harassment in the workplace

The *OHSA* includes provisions to help protect workers from violence and harassment in the workplace. The definitions of workplace violence and harassment include violence or harassment directed at a worker at a workplace from any person, including customers, clients, co-workers, friends, current or former family members and strangers. The employer must prepare written policies on workplace violence and harassment and develop and maintain programs to implement them and also to assess the risks of workplace violence based on the nature of the workplace and develop measures and procedures to control them. Employers have a duty to appropriately investigate workplace harassment incidents and complaints.

Legislation related to violence and harassment in the workplace has been updated several times in recent years. To assist employers in understanding their obligations and best practices, the government has published *Code of Practice to Address: Workplace Harassment Under Ontario's Occupational Health & Safety Act* (August 2016). It is available here:

[www.labour.gov.on.ca/english/hs/pdf/harassment.pdf](http://www.labour.gov.on.ca/english/hs/pdf/harassment.pdf)

CHF Canada published a *Model Workplace Violence and Harassment Policy* (2016) dealing with prevention and responding to violence and harassment for Ontario co-ops. This document is available in the Resource Centre on the CHF Canada website.

## First aid

All co-ops should follow these Workplace Safety Insurance rules:

- be a safe workplace
- have a first-aid station with
  - a first aid box
  - a WSIB *In Case of Injury at Work* (Form 82) poster
  - certificates for staff trained in first aid and on duty
  - an inspection card (for quarterly staff inspections).

The first aid station must be easy to get to and open whenever staff are at work. The contents required to be in the first aid box vary with the number of employees. WSIB also establishes the level of training and number of first aiders on duty, based on the number of employees. For workplaces with less than five employees, there must be one trained first aider who is in charge of the first aid box. WSIB provides a list of approved trainers.

## Smoking in the workplace

The *Smoke-Free Ontario Act* is designed to protect workers from exposure to second hand smoke by prohibiting smoking, including vaping, in all enclosed workplaces and enclosed public places. Local public health units will carry out inspections and investigate complaints about smoking in the workplaces. The employer must post No Smoking signs in various locations in the workplace.

The non-medical use of cannabis became legal in 2018. The province has prohibited the use of recreational cannabis in enclosed workplaces. The province's existing occupational health and safety regulations cover impairment in the workplace. To help ensure a safe workplace, the co-op may wish to develop a policy on the use of any substance that can cause impairment in the workplace.

## WHMIS 2015 and the GHS

WHMIS 2015 (Workplace Hazardous Materials Information System) is a national information system for hazardous substances in the workplace. It builds on the original 1988 WHMIS by incorporating the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) for workplace chemicals. WHMIS 2015 includes new international harmonized criteria for hazard classification and requirements for labels and safety data sheets (SDS). The roles and responsibilities for suppliers, employers and workers have not changed.

To give suppliers, employers and workers time to adjust to the new system, implementation of WHMIS 2015 will take place over a three-stage transition period that is synchronized nationally across federal, provincial and territorial jurisdictions. As of December 1, 2018, WHMIS 1988 no longer applies.

WHMIS is administered through co-ordinated federal, provincial and territorial regulation. The basic requirements are set out in the federal *Hazardous Products Act* and the *Controlled Products Regulations*. The *Occupational Health and Safety Act* (WHMIS regulation no. 806) establishes WHMIS requirements in Ontario.

The key elements of the WHMIS system are:

- cautionary labelling
- Safety Data Sheets (SDS)
- worker education and training programs.

Suppliers will continue to:

- identify whether their products are hazardous products
- prepare labels and SDSs
- provide these SDSs to purchasers of hazardous products intended for use in the workplace

Employers will continue to:

- educate and train workers on hazards and safe use of hazardous products in the workplace
- ensure that hazardous products are properly labelled and provide access to SDSs
- ensure appropriate control measures are in place to protect the health and safety of workers

Workers will continue to:

- participate in WHMIS and chemical safety training programs
- take necessary steps to protect themselves and their co-workers
- participate in identifying and controlling hazards

### Labelling

The employee has a right to know when a product they are dealing with is dangerous. Flammable or other potentially deadly substances must be properly labelled. WHMIS 2015 labels use pictograms as well as a signal word – Warning or Danger.

## Safety Data Sheets

The Safety Data Sheet or “SDS” on a hazardous substance provides detailed and comprehensive safety information about it. It covers proper handling and protection against overexposure, the health effects of overexposure, and emergency procedures. The SDS on each hazardous substance in a workplace must be in the workplace and available for workers. The SDS are standardized in a 16-section format. The 9-section WHMIS format for MSDSs is no longer acceptable.

## Worker education and training

The purpose of education and training is to ensure that workers understand the hazards of the materials they are exposed to, and the measures they should take to protect themselves. The co-op is required to maintain written records of employee education programs. The co-op must review the WHMIS training program at least once a year, in consultation with workers.

Education refers to the instruction of workers in general information about how WHMIS works and the hazards of controlled products. Training refers to the instruction on site-specific information such as work and emergency procedures. Both education and training are an important part of understanding the hazards that may be present in the workplace. Not all employees in one workplace will need the same training. For example, maintenance workers are exposed to different hazardous materials than office workers.

The Canadian Centre for Health and Safety (CCOHS) in partnership with Health Canada has released a free on-line training course to help workplace prepare for *WHMIS After GHS: An Introduction*:

[www.ccohs.ca/catalog/product\\_info\\_ccohs.php?products\\_id=349](http://www.ccohs.ca/catalog/product_info_ccohs.php?products_id=349)

They have also developed a series of free fact sheets about WHMIS 2015:

[www.ccohs.ca/products/publications/whmis\\_ghs](http://www.ccohs.ca/products/publications/whmis_ghs)

## Workplace safety and insurance

### What is it?

The *Workplace Safety and Insurance Act* and the Workplace Safety and Insurance Board (WSIB) are in place to:

- provide no-fault collective liability insurance and access to health and safety information to employers
- provide loss of earnings benefits and health care coverage for workers
- provide help and support to employers and workers with return to work following an injury

There are fact sheets available on a range of topics on their website in a variety of languages and formats, including audio, mp3.

### Does the co-op need it?

Under this plan workers who are hurt get money in place of their lost wages, and have their medical and retraining expenses paid. Injured workers give up the right to sue the co-op, even if the accident was the co-op’s fault.

Some co-ops that have a good benefits package ask if they need to have WSI coverage as well. **CHF Canada recommends that co-ops purchase WSI coverage for their staff along with the CHF Canada group benefits plan.** The two types of coverage are similar in some ways—they both provide protection for workers who are injured or become ill at work. However, there are a number of important differences. The co-op should get complete information about the premiums and benefits of both systems before making a decision.

Under current regulations, the co-op doesn't have to get WSI coverage. Co-ops that have coverage are called by-application employers. If a co-op has it now and wants to save money by cancelling, do the comparison described above, and think about these facts:

- You can only cancel by sending a written request
- You will be assessed a departure premium to cover WSIB's unfunded liabilities. This means that WSI wants to have money on hand in case a worker claims benefits for an accident that happened while the co-op had the insurance. The penalty can be quite large - find out what it is before you decide. (Note: Although, WSIB recently eliminated its unfunded liabilities, it has not changed obligations regarding assessment of a departure premium).

The WSIB continues to review the legislation and may recommend that all industries including housing co-ops, be brought under the scope of the workplace safety and insurance laws.

## Contractors and subcontractors

WSIB coverage is mandatory for most people in the construction industry so any contractor or sub-contractor hired by the co-op probably has a right to WSI coverage. This includes most independent operators, sole proprietors, partners and executive officers.

The co-op should require that they get the coverage before you sign a contract with them. If the contractor or sub-contractor has a WSIB account, but it is past due, the co-op may have to pay the missed premiums. If the co-op pays these premiums, WSIB may ask the co-op to pay premiums for all employees if you don't have coverage for them already.

Before a contracted project starts, the co-op should ask for a *clearance number* (valid for 90 days) from the WSIB. The co-op should request a new *clearance certificate* every 90 days or each time the contractor is employed. You can apply for a clearance number on-line or using a mobile device.

It's important to hold back the final payment due to the contractor, until receiving this letter, in case the contractor's WSI account is in arrears.

## Premiums

The cost of this insurance is paid by a non-refundable premium applied to all accounts. The size of the premium, up to a maximum for each employee, depends on industry risk, history of accidents in the co-op and payroll size.

**Note: Directors may be billed for unpaid premiums. The co-op cannot deduct the cost of premiums from employee earnings.**

## Reporting

### Earnings and premium remittance

The co-op must complete and submit a premium remittance form. Depending on the co-op's arrangement with the WSIB, reporting and payment of premiums can be done on a monthly, quarterly or yearly basis.

The WSIB should send the co-op a premium remittance form for each reporting period. If you do not receive this form, you should contact your local office of the WSIB listed in the blue pages of your local phone book.

If the co-op realizes later that this estimate of earnings wasn't accurate, it should notify the WSIB as soon as possible.

**Note: Fines are charged for knowingly giving wrong information or not sending in reports on time.**

The co-op must also complete an annual reconciliation form if it:

- has chosen a monthly reporting period
- is closing an account
- needs to verify earnings as requested by the WSIB.

### Accidents

You *must* report the incident to the WSIB within 3 calendar days if your worker requires health care and/or:

- loses time from work
- earns less than a regular day's pay
- modified work for more than 7 calendar days

The *Employer's Report of Injury/Illness* (eForm 7) can be completed and submitted online. Keep a copy for your records and also provide one to the injured worker. The online option provides faster, more efficient service.

Co-ops should tell staff to report any accidents in writing to senior staff or board without delay.

Their report should include how, when and where the accident happened, as well as the names of any witnesses. It is an offence to try to prevent a worker from reporting a workplace injury or illness or influencing a worker to withdraw or abandon a claim.

### Posting

The Employment Standards Act, the Occupational Health and Safety Act, the Workplace Safety and Insurance Act and Smoke Free Ontario all have posting requirements:

- Health and Safety at Work: Prevention Starts Here (June 2012)
- Occupational Health & Safety Act (consolidated, March 19, 2019)
- Workplace Violence & Workplace Harassment Policies (for workplaces with more than 5 employees)
- In Case of Injury (Form 82)
- No Smoking signs



## Being prepared

Whether or not a co-op chooses WSI coverage, it's important that senior staff know what the co-op must do in case of staff injury. Get the information pamphlet from the address in Section 5, read it, and file it where it is easy to find. Someone needs to remember, for example, that the co-op is responsible for getting the injured worker to a hospital or clinic as quickly as possible.

## Records

### Earnings

Co-ops must also keep accurate records of all gross earnings and deductions for each employee. These records should show the employee's:

- name
- position
- earnings (including vacation pay)
- hours and days paid
- dates of employment
- other allowances and taxable benefits.

### Accidents

The co-op must keep records of accidents, including:

- a signed statement about what happened from the injured employee
- the date and time of the accident
- written statements, signed and dated, from any witnesses
- an exact description of the injury
- the date, time and kind of first-aid treatment given.

## 5 Where to get more information

*You, Your Staff and the Law* is intended only as a guide for general information.

The guide is based on information as of April 2019 from the Ontario ministries and departments and the federal government listed below. For more detail, check these government sources, and consult your lawyer.

### Employment standards

#### Ministry of Labour

##### *Employment Standards Information Centre*

416-326-7160 or 1-800-531-5551

[www.labour.gov.on.ca/english/es](http://www.labour.gov.on.ca/english/es)

### Income tax, CPP and EI deductions

#### Canada Revenue Agency

##### *Business enquiries*

Toll free: 1-800-959-5525

[www.canada.ca/en/revenue-agency/cra-canada.html](http://www.canada.ca/en/revenue-agency/cra-canada.html)

### Employment insurance

#### Service Canada

[www.canada.ca/en/services/benefits/ei.html](http://www.canada.ca/en/services/benefits/ei.html)

### Human rights

#### Ontario Human Rights Commission (OHRC)

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

[info@ohrc.on.ca](mailto:info@ohrc.on.ca)

#### Human Rights Tribunal of Ontario (HRTO)

416-326-1312

Toll free: 1-866-598-0322

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

[hrto.tdpo@ontario.ca](mailto:hrto.tdpo@ontario.ca)



## Human Rights Legal Support Centre of Ontario (HRLSO)

416-597-4900

Toll free: 1-866-625-5179

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

## Accessibility information

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

## Workplace health and safety

### *Ministry of Labour, Health and Safety Contact Centre*

Toll free: 1-877-202-0008

[www.labour.gov.on.ca/english/hs](http://www.labour.gov.on.ca/english/hs)

## Occupational Health Clinics for Ontario Workers

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

## WHMIS and the GHS

### *Health Canada*

WHMIS:

[www.canada.ca/en/health-canada/services/environmental-workplace-health/occupational-health-safety/workplace-hazardous-materials-information-system.html](http://www.canada.ca/en/health-canada/services/environmental-workplace-health/occupational-health-safety/workplace-hazardous-materials-information-system.html)

WHMIS 2015/GHS:

[www.canada.ca/en/health-canada/services/environmental-workplace-health/occupational-health-safety/workplace-hazardous-materials-information-system/whmis-2015.html](http://www.canada.ca/en/health-canada/services/environmental-workplace-health/occupational-health-safety/workplace-hazardous-materials-information-system/whmis-2015.html)

National WHMIS Portal: [www.whmis.org](http://www.whmis.org)

## Workplace Safety and Insurance Board

416-344-1000

Toll free: 1-800-387-0750

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

## Provincial legislation

Ontario statutes and regulations are available at Service Ontario e-Laws:

[www.ontario.ca/laws](http://www.ontario.ca/laws)

For the status of bills before the legislature go to the Legislative Assembly of Ontario:

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





## **You, your staff and the law**

[www.chfcanada.coop](http://www.chfcanada.coop)

   @chfcanada

© CHF Canada, 2019. Members of CHF Canada may copy and use this guide.  
This material is not to be used or copied by others without the written  
consent of the Co-operative Housing Federation of Canada.