

*This document is produced by the Director of Employment Standards as required by section 21.1 of the Employment Standards Act, 2000. Please read this document carefully and make sure you understand your rights. If you have any questions, contact the Ministry of Labour.*

### These are the general rules in Ontario about

- hours of work and
- overtime pay.

### Maximum Daily Hours of Work

You do not have to work more than:

- 8 hours a day
- **or**
- the number of hours in your regular work day, if it is more than 8.

There are exceptions and special rules for some employees under the Employment Standards Act, 2000.

For more information, contact the Ministry of Labour toll-free at 1-800-531-5551.

If you choose to, you can agree with your employer in writing to work more hours. **If you do not want to work more hours, you do not have to sign an agreement.**

### Maximum Weekly Hours of Work

You do not have to work more than 48 hours a week.

If you choose to, you can agree with your employer in writing to work more hours.

If you sign an agreement, your employer must also get approval from the Ministry of Labour's Director of Employment Standards. **If you do not want to work more hours, you do not have to sign an agreement.**

If you agree in writing to work more than:

- **48 hours a week, up to 60 hours a week** – Your employer can ask you to start working the excess hours 30 days after applying for the Director's approval, as long as certain conditions are met.
- **60 hours a week** – Your employer must have the Director's approval **before** you can start working more than 60 hours a week.

You cannot work more than the number of hours approved by the Director. This may be fewer than the number of hours you agreed to work.

Your employer must post the application for the Director's approval where you can see it. If and when your employer gets approval from the Director, the approval form must then be posted where you can see it.

**You can cancel an agreement** to work excess daily or weekly hours by giving your employer two weeks' written notice. **Your employer can also cancel an agreement** by giving you reasonable notice.

## Overtime Pay

For every hour you work over 44 hours a week, your employer must pay you at least 1½ times your regular rate of pay (“time and a half”). Even if you agree in writing to work more than 48 hours a week, your employer must pay you overtime pay for every hour you work over 44 hours a week.

You can agree with your employer in writing to average the hours you work over periods of two or more weeks to calculate overtime pay. If you sign an agreement, your employer must also get approval from the Ministry of Labour’s Director of Employment Standards. **If you do not want to have your overtime hours averaged, you do not have to sign an agreement.**

These agreements must have an expiry date and cannot be cancelled unless both you and your employer agree.

## Unionized Employees

Generally, if you are represented by a union, your union would make agreements with your employer on your behalf.

## Rest Periods and Eating Period

Your employer must give you at least:

- 11 consecutive hours off work each day. A “day” is a 24-hour period – it does not have to be a calendar day;
- 8 hours off work between shifts (unless the total time worked on the shifts is not more than 13 hours or you and your employer have otherwise agreed in writing); and
- 24 consecutive hours off work each work week, or 48 consecutive hours off every two work weeks.

You must also get a 30-minute eating period after no more than five hours of work. You can agree with your employer to split this eating period into two shorter breaks.

## Your Rights are Protected

Your employer **cannot** intimidate you, fire you, suspend you, reduce your pay, punish you in any way or threaten any of these actions because you:

- refuse to work more than the maximum daily or weekly hours of work;
- refuse to sign an agreement to work more than the maximum daily or weekly hours of work;
- refuse to work more than the number of excess hours you agreed to work; or
- ask questions about your rights under the ESA.

If this happens, contact the Ministry of Labour. Ministry staff can help you understand your rights, answer your questions and investigate your complaint.

**Note:** If you are represented by a union and you think your rights have been violated, you should talk to your union representative before contacting the Ministry of Labour.

### Contacts

- Call the Ministry of Labour Employment Standards Information Centre at 416-326-7160 or toll-free at 1-800-531-5551, or Hearing Impaired TTY 1-866-567-8893.
- Visit a ServiceOntario Government Information Centre.
- Visit [www.labour.gov.on.ca/english](http://www.labour.gov.on.ca/english) for more information and to contact the Ministry by e-mail.