FTR Now

Employment Standards Update

Date: March 10, 2008

Employers should take note of some recent developments under Ontario's *Employment Standards Act, 2000*.

RENEWAL OF EXCESS HOURS APPROVALS

For employers who have in place an excess hours agreement that was approved for a three-year term by the Director of Employment Standards in the spring of 2005, the time has come to apply for a renewal of the original approval.

Approvals are required in order for employees to be permitted to work more than 48 hours per week. In addition to the approval, the employer must also have a written agreement with the employee or the union that represents the employees to exceed 48 hours per week. If the agreements negotiated with the employees or the union have expired, employers must also renegotiate these in order to permit extra hours.

The approval process requires the employer to set a maximum number of hours in excess of 48. Before renewing the approval, employers should consider whether the maximum hours in the original application still meet the needs of the company. At the same time, employers should keep in mind that the more hours for which it seeks approval, the more questions that it can expect from the Employment Standards Branch.

NEW ESA POSTER

Section 2 of the ESA requires the Minister of Labour to prepare and publish an informational Poster under the ESA. Earlier this month, the Minister published a new version of the Poster, which is now Version 4.0. Employers are required to post this new version of the Poster and to keep it posted "in at least one conspicuous place in every workplace of the employer where it is likely to come to the attention of employees in that workplace". In workplaces where the majority language is something other than English, the employer must inquire into whether a copy of the Poster has been prepared in the majority language, and if so, that translation must also be posted.

The Ministry has indicated that from February 15th to April 11th, employment standards officers will issue compliance orders if the poster is not properly posted. Beginning April 12th, employment standards officers will take stronger steps, including issuing Notices of Contraventions or tickets under the *Provincial Offences Act*, each of which carry monetary penalties.

Please contact your regular Hicks Morley lawyer about these or any other matter under the ESA.

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