

Ministry of Labour

Ministère du Travail

**Employment Practices
Branch**

**Direction des pratiques
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February 13, 2018

Leslie Smejkal
Ontario Restaurant, Hotel & Motel Association (ORHMA)
2600 Skymark Avenue, Suite 8-201, Mississauga, ON L4W 5B2

Dear Leslie Smejkal,

From May 1 to August 31, 2017, Ministry of Labour employment standards officers conducted two simultaneous blitzes focusing on:

- New and Young Workers
- Employers who have, or applied for, excess hours or overtime averaging agreements (called HOW agreements).

The purpose of these blitzes was to promote compliance with the *Employment Standards Act, 2000*, as well as to educate employers and provide them with educational resources.

As part of our program's ongoing commitment to share the results of our enforcement blitzes with key stakeholders in advance of their posting, I have attached a copy of the report to this correspondence for your information.

The results of these blitzes will be posted on the ministry's website on Wednesday, November 14, 2017.

If you or a delegate from your organization would be interested in arranging a meeting to discuss the results and how we can work together to enhance our compliance support for your members, please contact our Education, Outreach and Partnership Unit by email at EOP@ontario.ca.

For more information on the Employment Standards Program's proactive enforcement efforts, please visit our proactive enforcement page at: <http://www.labour.gov.on.ca/english/es/topics/proactiveinspections.php>

Sincerely,

Original signed by

Joe Boeswald
(A) Director, Employment Standards

BLITZ RESULTS: New and Young Worker and Hours of Work (HOW) Blitzes

Some employees are at greater risk than others of not receiving their employment standards entitlements. They may also lack the ability and/or resources to understand their rights under the [Employment Standards Act, 2000](#) (ESA).

From May 1 to August 31, 2017, Ministry of Labour employment standards officers conducted two simultaneous blitzes focusing on:

- New and Young Workers
- Employers who have, or applied for, excess hours or overtime averaging agreements (called HOW agreements).

Young workers may be at greater risk of having their employment standards rights violated as many work in seasonal, part-time or temporary jobs that fall outside the traditional employment relationship of full-time, permanent employment with one employer. Focusing on new and young workers provides the ministry with the opportunity to reinforce employer obligations under the ESA and ensure protections for vulnerable workers.

The number of applications and approvals for HOW agreements increases each year, reflecting the rise of non-standard and precarious work arrangements. Focusing on hours of work and overtime pay provides the ministry with an opportunity to ensure that employers are aware of and comply with obligations under the ESA.

Overview

During the New and Young Worker blitz, employment standards officers focused primarily on sectors known to employ new and young workers and where there is a history of non-compliance. These sectors include food services, retail trade, construction and other sectors. The officers checked to see if employers were complying with the minimum wage, hours of work and overtime pay standards of the ESA.

During the HOW blitz, employment standards officers focused primarily on sectors where there is a high rate of working excess hours, including construction, transportation and warehousing; services to building and dwellings; and retail trade. The officers checked to see if employers were complying with their HOW agreements, if any, and the hours of work and overtime pay standards of the ESA.

The ministry is committed to protecting vulnerable workers by ensuring they receive their entitlements under the ESA.

Results

Table 1 – New and Young Worker Blitz - May 1 to August 31, 2017

Total inspections	385
Employers compliant*	183
Employers not compliant	202
Compliance tools issued**	449
Rate of voluntary compliance***	96%
Money recovered for employees	\$184,409
Most common monetary violations	Overtime pay, minimum wage, public holidays/public holiday pay
Most common non-monetary violations	Hours of work, excess daily or weekly hours, vacation pay: written agreements

**No violations found*

***Compliance orders, notices of contravention, tickets or orders to pay wages*

**** Percentage of monies owing to employees assessed during the blitz paid voluntarily by employers*

Table 2 – HOW Blitz - May 1 to August 31, 2017

Total inspections	565
Employers compliant*	328
Employers not compliant	237
Compliance tools issued**	470
Rate of voluntary compliance***	92%
Money recovered for employees	\$127,762
Most common monetary violations	Overtime pay
Most common non-monetary violations	Hours of work: excess daily or weekly, overtime pay, hours of work: daily or weekly rest

**No violations found*

***Compliance orders, notices of contravention, tickets or orders to pay wages*

**** Percentage of monies owing to employees assessed during the blitz paid voluntarily by employers*

Compliance enforcement summary

An employment standards officer can issue a non-monetary compliance order if the officer finds that the employer has contravened the ESA. The officer can order an employer or other person to stop contravening a provision and to take certain steps to comply.

In total, officers issued:

- 385 compliance orders during the new and young worker blitz and
- 393 compliance orders during the HOW blitz.

Where monetary contraventions are found and voluntary compliance is not achieved, an officer issues an order to pay wages.

In total, officers issued:

- 2 orders to pay wages during the new and young worker blitz and
- 0 orders to pay wages during the HOW blitz.

Officers also issued tickets under Part I of the Provincial Offences Act to some employers during the blitzes. The tickets include a fine of \$295 plus a victim fine surcharge.

In total, officers issued:

- 13 tickets during the new and young worker blitz and
- 7 tickets during the HOW blitz.

Employment standards officers have the power to issue notices of contravention with prescribed penalties starting at \$250 when they believe an employer has contravened a provision of the ESA.

In total, officers issued:

- 49 notices of contravention during the new and young worker blitz and
- 70 notices of contravention during the HOW blitz.