

Trainer's Guide: Your Rights at Work



This Guide is designed to support legal clinic workers who want to train community workers about workers' rights in Ontario. It is part of a series of Trainer's Guides that cover a range of legal topics.

Toronto: Community Legal Education Ontario, November 2021

Community Legal Education Ontario (CLEO) developed this Trainer’s Guide with the invaluable assistance and expertise of the Mississauga Community Legal Clinic. CLEO is also very grateful for the input and support of the project advisors, including: The Association of Community Legal Clinics of Ontario; Community Advocacy & Legal Centre; Community Legal Clinic for Brant, Haldimand, Norfolk; Connecting Ottawa; Don Valley Community Legal Services; Kinna-aweya Legal Clinic; and Ontario Justice Education Network.

We also gratefully acknowledge funding for this project from The Law Foundation of Ontario.

This is one in a series of Trainers’ Guides for community workers. Visit the [CLEO Connect website](#) for a list of legal topics.

Table of Contents

1. Introduction	1
About the Trainer’s Guide	1
Getting Ready and Learning Goals	2
2. Summary of Training and Instructions for Trainers	3
Welcome, Agenda, and Introductions	4
Activity 1: Myth Busting	4
What is the <i>Employment Standards Act</i> (ESA)?	5
What other laws cover workers?.....	5
Misclassification of workers	6
<i>Employment Standards Act</i> (ESA): Your Rights at Work.....	6
Activity 2: Case Scenarios and Discussion Questions.....	7
What can community workers do?	7
Useful Resources.....	8
Wrap-up, Feedback, and Evaluation.....	8
3. Activity Handouts	9
Activity 2: Case Scenarios and Discussion Questions	10
Protect Yourself – Work Checklist	14
4. Supporting Documents	15
Flyer	16
Agenda.....	17
Evaluation Form	18



Companion to Trainer’s Guide: [PowerPoint Slides](#) with notes and instructions for trainers

1. Introduction

About the Trainer's Guide

Who is the Trainer's Guide for?

This Trainer's Guide is for legal clinic staff who are training workers at local community organizations about workers' rights in Ontario.

Front-line workers at community organizations often help people who come to them with questions about their legal rights. Community workers can give good help and solid referrals if they have the knowledge and skills to do so. Training from legal clinic experts can help.

The Trainer's Guide Series

This Trainer's Guide is part of a series that provides training materials on several legal topics that community workers often ask for.

We developed our Trainer's Guides with flexibility in mind: each legal clinic can use them to adapt and customize a training workshop for their communities. We designed the training for a session that lasts approximately **2 hours**, but trainers will want to adapt it to suit their own style and to meet the needs of their audience.

We have included a companion piece for the Trainer's Guide: [PowerPoint slides](#) that include activities and resources, as well as notes and instructions for trainers.

- **The Trainer's Guide**

The Trainer's Guide includes the following sections:

1. **Introduction (p. 1):** This section provides a training snapshot and outline of the training.
2. **Summary of Training and Instructions for Trainers (p. 3):** This section provides a summary of the PowerPoint slides and training activities. It includes some instructions for trainers. The slides and notes are adaptable and intended to be edited by the trainer.
3. **Activity Handouts (p. 9):** This section shows handouts that trainers can use during the training. It includes [a link to the handouts](#) so trainers can download and email them to participants before the session, share their screen during an online training, or print and provide them at a face-to-face training.
4. **Supporting Documents (p. 15):** This section shows sample documents to help trainers plan their training. It includes links to a [flyer](#), [agenda](#), and [evaluation form](#) that can be customized.

- **The PowerPoint Slide Deck**

The [PowerPoint slides](#) are intended to be customized by the trainer.

Getting Ready and Learning Goals

Before you deliver the *Your Rights at Work* training, spend some time on the following preparation activities and think about the learning goals. Expect to spend at least 2 hours. For an online training session, ask a colleague to assist you, to monitor the chat, etc.

1. Review the goals of the training

The goals of the training are to help community workers:

- Understand who is covered by the *Employment Standards Act (ESA)*
- Develop a basic understanding of rights at work under the ESA
- Learn how workers can protect themselves
- Learn more about what can be done when an employer breaks the law
- Learn about tips and useful resources

2. Familiarize yourself with the resources

Get familiar with the resources for workers listed in **slides 40–44** of the slide deck. **Read the Trainer's Guide and PowerPoint presentation.**

Add local resources and information about your legal clinic — location, hours, and intake procedures. Do what you need to feel comfortable sharing the content, including editing and printing notes. See [tips](#) to print PowerPoint content in black and white to reduce ink, and [how to](#) remove slide notes before you share them with participants.

Think about ways to engage your audience. Anticipate possible questions from participants and think through how you will respond. Consider the timing suggestions and think about how you will keep the training moving to finish on time. Make note of any questions you are not comfortable answering and say that you will get back to the person if necessary.

3. Customize the slides and learn about the activities

Consider the participants and the manner in which you will deliver your training (webinar or face-to-face training).

Consider how long each activity may take. Choose the activities you want to use from the options provided. Revise the slides to reflect your choices. Build in time for discussion and questions.

Depending on the level of engagement and discussion during each session, you may not be able to cover all of the activities. This is expected. They are there for you to choose from.

If you'd like to create a Word Version of your PowerPoint slides, follow the tips in this short [video](#).

If you have any questions about using these training materials, please contact Kristin Marshall at CLEO, at kristin.marshall@cleo.on.ca.

2. Summary of Training & Instructions for Trainers

This section gives an overview of the training. It is meant to be read as you go through the PowerPoint presentation. It will help you get a general sense of the training and understand the approximate time that you want to allocate for each part. It also provides some instructions and suggestions for how to offer the training activities.

The time allocations are estimates, assuming a total training length of 2 hours.

Training Snapshot (for trainer)

	Slides	Suggested Time
1. Welcome, Agenda, and Introductions	1–4	10 mins
2. Activity 1: Myth Busting	5–12	10 mins
3. What is the <i>Employment Standards Act</i> (ESA)?	13	5 mins
4. What other laws cover workers?	14	5 mins
5. Misclassification of workers	15–16	5 mins
6. <i>Employment Standards Act</i> : Your rights at work	17–30	40 mins
BREAK	31	10 mins
7. Activity 2: Case Scenarios and Discussion Questions	32–35	15 mins
8. What can community workers do?	36–39	10 mins
9. Useful Resources	40–44	5 mins
10. Wrap-up, Feedback, and Evaluation	45–47	5 mins

Training Summary and Instructions

Read this section as you review and adapt the PowerPoint slides. We highlight specific slides to provide training tips for activities that engage participants.

1. Welcome, Agenda, and Introductions	Slides 1–4	10 mins
--	------------	---------

- Welcome participants and introduce yourself and your clinic
- Share the agenda, review learning goals and participant expectations
- Discuss logistics of the training or workshop
- Discuss role of community workers
- Provide a land acknowledgement

Set Ground Rules and Expectations

Share the outline so participants know what to expect. Emphasize that the goal is to create an anti-oppressive environment. Briefly discuss: the right to pass (participants don't have to answer a question or make a contribution if they don't want to); confidentiality (what is learned, leaves, and what is shared, stays); and respect for each other.

Tell them if you will take questions as you go or at specific times. If the training is held in-person, point out where the bathrooms are, water, and other logistics. State up front that there will be a break. Reflect this in the agenda and confirm with the audience at the outset, adjusting timing if necessary. Tell participants to make themselves comfortable. For online, say whether you prefer them to use their video, if this is possible. Let participants know that the slides will be shared with them after the presentation.

2. ACTIVITY 1: Myth Busting	Slides 5–12	10 mins
------------------------------------	-------------	---------

This interactive activity presents the seven statements below; you can choose as many as you have time for. Participants can decide if they are true or false, followed by a discussion of the correct answers.

- My employer can ask me to agree to sign away my rights under the ESA. **FALSE**
- It is illegal for my boss to pay me in cash. **FALSE**
- Some workers are not entitled to minimum wage, overtime or time off. **TRUE**
- My boss doesn't have to pay me when I am being trained. **FALSE**
- An employer can decide when I can take my vacation. **TRUE**
- I can file a complaint at the Ministry of Labour any time. **FALSE**
- Remembrance Day is a Public Holiday. **FALSE**

Show **slide 12** so participants can see the correct answers at the end.

Discussion: Discuss misinformation or assumptions that people have about workers' rights. Ask participants to share any questions they have that they hope will be addressed in the training. Tell them they will get a chance to ask more questions later.

3. What is the *Employment Standards Act (ESA)*?

Slide 13

5 mins

This slide tells participants that the focus of this training will be on Ontario's *Employment Standards Act (ESA)*. It covers these four key points:

1. The Act provides the basic **minimum** standards that employers must follow in the workplace. Company policies or union contracts may give more entitlements than the ESA.
2. Not all workers are covered equally under the ESA — there are many exemptions or special rules for different categories of workers (like farm workers, live-in caregivers, IT workers). There is a link to all the special rules and exemptions in the resource section of this presentation.
3. Employers cannot ask employees to sign away their rights under the ESA in their contract. For example, "Company X does not pay overtime or public holiday pay". In limited circumstances, an employer and employee can agree to some changes to basic entitlements — such as overtime pay, for example — but it must be in writing and should have a specified period of time clearly stated for this change to take place. If a worker feels forced to sign an illegal contract waiving their rights, they can still fight for those wages at the Ministry of Labour later. **TIP:** Keep records!
4. The ESA is a provincial law. Each province has its own set of laws on workers' rights. Therefore, the ESA only covers "provincially" regulated workers. The *Canada Labour Code* covers federally regulated sectors and workers. Most workers are covered by the ESA. There is a link in the resource section that shows which workers are covered federally.

Remind participants that the slides will be shared after the presentation.

4. What other laws cover workers?

Slide 14

5 mins

This slide lets community workers know that there are other provincial laws that protect workers in different ways (human rights, health and safety, unionized workers, etc.). There are also federal laws that cover some sectors and workers. This training will not go into detail about these other laws, but it is important to know they exist.

If time allows you can pose a question from the Slide notes. If not, briefly review.

5. Misclassification of workers: Independent Contractor or Employee?	Slides 15–16	5 mins
---	--------------	--------

These slides outline a common practice where employers describe workers as “self-employed” to avoid paying for entitlements under the ESA, such as minimum wage or overtime, or paying into Employment Insurance (EI) or Workplace Safety and Insurance Board (WSIB). And because many of the rules in the ESA apply to some workers but not to others, an employer may give a worker the title of “manager” or “supervisor” to avoid paying overtime because managers and supervisors are exempt from overtime pay.

Slide 16 compares differences between a truly self-employed person and an employee. You can discuss this issue with participants more fully when reviewing the ‘Sarah’ case scenario (**Slide 34**).

6. <i>Employment Standards Act (ESA): Your Rights at Work</i>	Slides 17–30	40 mins
--	--------------	---------

This section of the training provides an overview of key entitlements for workers under the ESA. You can begin with a Poll on wages to ask participants how many minimum wages there are. Or you can use the “chat” function or ask for a show of hands if you are in person. Tell participants that there are eight different minimum wages and discuss the different categories of workers for each wage.

OPTIONAL slide: **Slide 19** discusses how “harvesters” or farm workers are paid — this may be more relevant to participants in some parts of the province. Adjust the PowerPoint if you aren’t using this slide.

The key entitlements covered are: wages, hours of work, overtime pay, vacation, public holidays, termination notice and pay, severance pay, and enforcement at the Ministry of Labour.

Slide 26 highlights three scenarios where termination notice and pay are issues. Depending on your time, you can ask participants to respond to each of the scenarios for Rafal, Saru, and Adriana, or you can just read the scenarios and discuss the answers from the Slide notes.



Handout: Share the [Protect Yourself - Work Checklist](#) handout. Tell participants that they can use the handout to discuss the case scenario activity that follows the break. They can

also share this with their clients. (There are versions of this handout in Chinese, Spanish, Punjabi, and Tamil available as well: <https://workersactioncentre.org/resources>)

Slide 31 — Break: Tell participants to take a 10-minute break. Tell them when to return.

7. ACTIVITY 2: Case Scenarios and Discussion Questions

Slides 32–35

15 mins

This section provides three case scenarios for discussion. Depending on your time, you can choose to do them as an entire group or divide participants up. Ask them to use the checklist to help identify the issue and think about what the worker can do to address the problem and where they can go for help.



Handout: Share the [Case Scenarios](#) handout.

The three scenarios cover the following issues:

Scenario 1: Overtime. Getting paid overtime premiums or taking the time off in lieu of pay.

Scenario 2: Independent contractor or employee in a lay-off situation where termination pay is an issue, depending on the status of the worker.

Scenario 3: Religious holidays, vacation, and public holidays — examines issues of discrimination and human rights.

8. What can community workers do?

Slides 36–39

10 mins

This section discusses how community workers can help workers and introduces participants to key resources and tips to support workers' rights.

Emphasize how important it is for workers to document all interactions with employers (for example, emails, letters, phone calls, and notes of conversations). This can be useful later. Stress that it's important to keep this information at home in a safe place, as well as pay stubs, as the employer is not obligated to share pay records with employees.

There is a list of things community workers can do to support workers, particularly community workers in the employment-services sector who place clients into jobs and are in contact with employers.

Undocumented Workers: Tell participants that these workers may want to seek the support of an agency or community group that understands the risks associated with trying to get unpaid wages from an employer who may try to use their status as a way to intimidate and stop them from seeking unpaid wages. Share contact information for the Workers' Action Centre, Migrant Workers Alliance for Change, and the Sudbury Workers Education and Advocacy Centre, listed in the resources.

9. Useful Resources

Slides 40–44

5 mins

Walk participants through the CLEO resources on the slides. If there is Wi-Fi (in an in-person training), go to the Steps to Justice website (<https://stepstojustice.ca>) to highlight the variety of legal questions there regarding Employment. Explain that Steps to Justice has clear legal information on common questions workers have. Tell participants that the links are embedded in the slide, and you will share the PowerPoint after the presentation. CLEO also has many print resources for workers that can be ordered for free or viewed online and printed.

CLEO's Steps to Justice website also has [COVID-19 specific legal information on workers' rights](#) (and [other legal topics](#)).

Explain the other resources where workers can call or find help. Add local resources to these slides.

10. Wrap-up, Feedback, and Evaluation

Slides 45–47

5 mins

As you conclude your training, respond to any outstanding questions, offer to follow up with additional information, if applicable. Give participants the evaluation form, acknowledge the funders and thank participants.



Handout: Share the [Evaluation Form](#)

Your Feedback

We also want your feedback as the trainer. Please answer the 5 questions in this [survey](#).

3. Activity Handouts

This section shows the handouts that trainers can give to participants during the session.



Activity 2: Case Scenarios and Discussion Questions	10
Protect Yourself - Work Checklist (Workers' Action Centre)	14

Activity 2: Case Scenarios and Discussion Questions

Activity 2 uses the three scenarios presented on **slides 32–35**.

Choose the ones you want to use and revise your slides. You can present all scenarios to the larger group and discuss the application of the Protect Yourself at Work Checklist. Or you can divide participants into groups to discuss one scenario, apply the checklist and report back to the larger group.

Download and print the Scenarios [here](#).

Scenario 1: Mo's story

Mo worked 50 hours this week. Their boss told them that this means they get 6 hours of time off that they can schedule whenever they want.

Mo would prefer to get paid for this time.

What options does Mo have — can they get paid for this overtime? If so, how much?

Questions for discussion

1. Identify the **issue** that is relevant in this scenario.
2. What can the worker **do** to address the problem? Identify any challenges or consequences.
3. Who can help?

Scenario 2: Sarah's story

Sarah was laid off after working 7 years in a sales job. Her boss said she is an independent contractor, so no termination pay for her.

Sarah worked in the company's office, doing a regular 9-5 shift, at minimum wage. She didn't have the power to negotiate her shifts or her pay with her employer.

What can Sarah do?

Questions for discussion

1. Identify the **issue** that is relevant in this scenario.
2. What can the worker **do** to address the problem? Identify any challenges or consequences.
3. Who can help?

Scenario 3: Sami's story

Sami wants to take a day off at the end of Ramadan.

His boss says he must use a vacation day, but Sami doesn't want to because he has plans for a family holiday.

What can Sami do?

Questions for discussion

1. Identify the **issue** that is relevant in this scenario.
2. What can the worker **do** to address the problem? Identify any challenges or consequences.
3. Who can help?

Protect Yourself – Work Checklist (Workers' Action Centre)

It is important to be prepared in case your rights are violated at work. Use this checklist to protect yourself. This information will help you defend yourself, recover wages you are owed, file complaints, and qualify for benefits and entitlements that you deserve.

- ✓ Ask for time to read a contract before you sign it. If your boss pressures you to sign your contract without reading it, try to get a copy of the contract or take a photo of it. Keep copies of any contracts you receive.
- ✓ Keep your own record of the hours and dates you worked, and the details of the work you do every day. Keep this record at home.
- ✓ If you don't have a Social Insurance Number, valid Work Permit or you get paid in cash, write down the wages you have been paid and hours and dates worked. The employment standards law applies to you.
- ✓ Write down any information about your boss and the company that you can find: name, title, work and home address, phone numbers, licence plate number.
- ✓ Keep records of any communication you have with your employer: texts, emails, phone calls, letters.
- ✓ It is illegal for your boss to fire you for speaking about your rights. If this happens to you, write down the details of how and when you were fired. Your boss may also force you to quit by harassing you at work. Write down the details of the harassment.
- ✓ If you are fired, forced to quit or laid off, you may still be eligible for Employment Insurance (EI). Your detailed records will help when applying for EI benefits.
- ✓ Keep copies of every document you receive from your employer: contract, pay stubs, cheques, Record of Employment (ROE), termination letter, etc.
- ✓ Keep copies of any document you receive from the government, such as any forms that you have filled out for the Workplace Safety and Insurance Board (WSIB) or Employment Insurance (EI).
- ✓ Your boss cannot fire you for taking a leave (paid or unpaid) or for being injured or sick. If this happens to you, write down everything your boss says.
- ✓ Make sure you apply for Employment Insurance (EI) within 28 days of your last day of work, even if your employer has not given you a Record of Employment (ROE). If you have been working for cash, write down the dates and hours you worked and apply as soon as you stop working. You may still qualify for EI.
- ✓ If you think your rights have been violated, call the Workers' Action Centre to get help.

February 2019 — WorkersActionCentre.org | 416-531-0778 | Toll Free: 1-855-531-0778

*** This checklist is also available in Chinese, Spanish, Punjabi, and Tamil: <https://workersactioncentre.org/resources/>*

4. Supporting Documents

This section provides sample documents that trainers can adapt and use for the training.



Flyer	16
Agenda	17
Evaluation Form	18

Your Rights at Work

Legal Information for Community Workers



Do your clients know their rights at work?
How can you support clients when their employer is breaking the law?

This free workshop is for you!

You will:

- Understand who is covered by the *Employment Standards Act (ESA)*
- Develop a basic understanding of rights at work under the ESA
- Learn how workers can protect themselves
- Learn more about what can be done when an employer breaks the law
- Learn about useful tips and resources you can share with clients

DATE and TIME: *add date and time*

PLACE: *add venue (online or physical)*

REGISTER: *add registration details*

Your Rights at Work

Legal Information for Community Workers



AGENDA (sample)

- | | |
|--|--------------|
| • Welcome, Introductory Activity (Myth Busting) | 9:00–9:20 |
| • What is the <i>Employment Standards Act (ESA)</i> ? | 9:20–9:25 |
| • What other laws cover workers? | 9:25–9:30 |
| • Misclassification of workers | 9:30–9:35 |
| • <i>Employment Standards Act: Your rights at work</i> | 9:35–10:15 |
| <i>BREAK (10 minutes)</i> | 10:15–10:25 |
| • Case scenario activity and discussion | 10:25–10:40 |
| • What can community workers can do? | 10:40–10:50 |
| • Useful Resources | 10:50–10:55 |
| • Wrap-up, Feedback, Evaluation | 10:55 –11:00 |

Evaluation Form

Legal Information for Community Workers Training: *Your Rights at Work*

	1 Strongly DISAGREE	2 ↓	3 ↓	4 Strongly AGREE
1. The objectives of the presentation were clearly stated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The facilitator communicated the ideas clearly and effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Before the presentation, I felt confident about my knowledge of workers' rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. After the presentation, I feel more confident about my knowledge of workers' rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Before the presentation, I knew where to find legal help for clients about problems with their employer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. What was the most useful part of the presentation and why?

7. Do you have any suggestions for how the presentation could be improved?

8. How will you use this information in your work?

9. Other comments and/or suggestions for future training topics: