

Ontario Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

Ontario Leave Laws	1
Paid Time Off (PTO) in Ontario	2
Vacation Leave Quota	2
Vacation Pay	2
Statutory Provisions Addressing Vacation Pay	2
Payment of Accrued, Unused Vacation on Termination	3
PTO Accrual	3
Roll Over (Carry Over, Brought Forward)	3
Sick Leave in Ontario	4
Sick Leave	4
Family Responsibility Leave	5
Family Caregiver Leave (Compassionate Care Leave)	5
Family Medical Leave	6
Critical Illness Leave	6
Domestic or Sexual Violence Leave	6
Maternity, Paternity, and Parental Leave in Ontario	7
Pregnancy Leave (Maternity Leave)	7
Paternity Leave	8
Parental Leave	8
Bereavement Leave in Ontario	9
Jury Duty Leave in Ontario	9
Reservist Leave in Ontario	10
Voting Leave in Ontario	11

Paid Time Off (PTO) in Ontario

Vacation Leave Quota

2 or 3 weeks of vacation.

In Ontario, employees are entitled to 2 consecutive weeks of vacation leave after the first year of employment and 3 consecutive weeks of leave after five years of employment.

Vacation Pay

4% or 6% of gross wages.

Employees are entitled to vacation pay of 4% of gross wages for the first five years of employment and 6 % of gross wages after five years of employment.

An employee's employment contract or a collective agreement could give them greater rights or benefits regarding vacation time and pay. Therefore, employers are allowed to provide employees with more vacation time than is legally required. This is common practice in many workplaces.

Statutory Provisions Addressing Vacation Pay

For more information, please visit vacationtracker.io

Vacation pay = wages.

Vacation is considered earned wages.

Payment of Accrued, Unused Vacation on Termination

Accrued, unused vacation must be paid on termination.

The employee's earnings (and earned but unused vacation time) must be paid upon termination of employment. Unpaid vacation pay must be paid either within 7 days after the employment ends or on the employee's next payday, whichever is later.

PTO Accrual

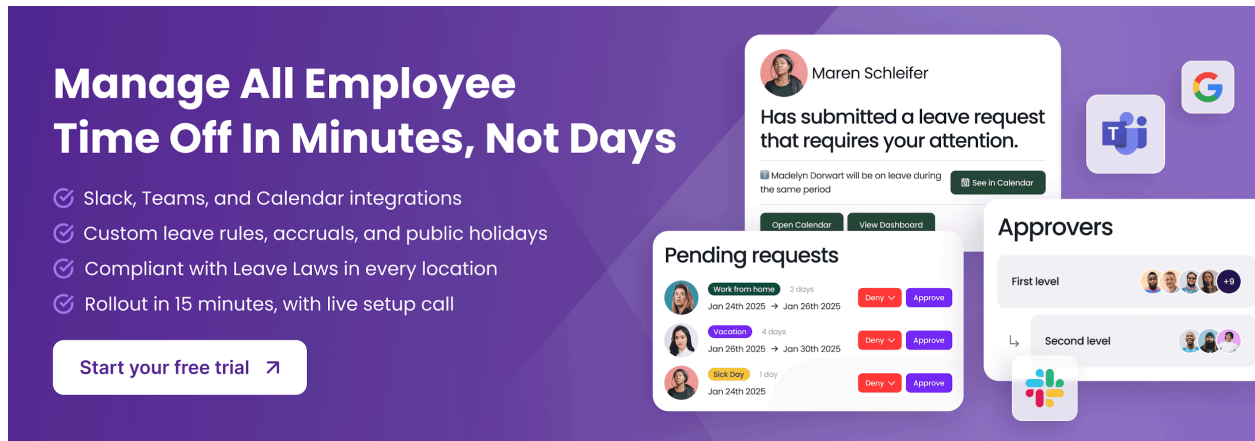
PTO accrual system is not mandatory in Ontario, but is widely used by companies.

Employers are generally free to design their own vacation accrual system, although it is usually based on the pay period (payroll cycle). The most common payroll cycles in Ontario are bi-monthly and monthly.

Roll Over (Carry Over, Brought Forward)

The "use-it-or-lose-it" policy is illegal in Ontario (as it is in all of Canada).

The "use-it-or-lose-it" refers to a policy or benefit that requires employees to use a certain amount of vacation time within a certain timeframe, or risk losing it.



Sick Leave in Ontario

Sick Leave

Up to 3 days of unpaid leave.

Eligible employees can take up to 3 days of job-protected, unpaid leave each calendar year because of a personal illness, injury, or medical emergency.

Employees who have worked for a company for at least two weeks are entitled to these sick days.

Notice requirements apply. Employees must inform their employers they will be taking a sick leave of absence. Notice can be oral or written, without a timeframe. An employer can also ask for evidence.

A sick leave ensures job protection and job reinstatement.

Employers are free to offer greater benefits than those provided by legislation. Many employers give more sick days or provide paid sick leave.

For more information, please visit vacationtracker.io

Family Responsibility Leave

Up to 3 days of unpaid leave.

Employees are entitled to take up to 3 days of unpaid, job-protected leave per calendar year due to an illness, injury, medical emergency, or urgent matter involving specific relatives.

To be qualified for this leave, the employee must have worked for a company for at least two consecutive weeks.

Notice requirements are the same as for sick leave (see above). Employers have the right to request medical notes to confirm the reason for an employee's absence.

Family Caregiver Leave (Compassionate Care Leave)

Up to 8 weeks of unpaid leave.

Eligible employees are entitled to up to 8 weeks of job-protected unpaid leave to provide care and support to a family member for whom a certificate of a serious medical condition has been issued by a qualified health practitioner.

Notice can be oral or written, without a timeframe. A medical certificate is not required before the leave, but it must be eventually provided.

Leave can be taken consecutively or separately, but not for less than a week.

Family caregiver leave is available to all employees, regardless of their employment status (full-time, part-time, permanent, or term contract) who are covered by the ESA (Employment Standards Act). Also, there is no requirement that a worker must have been employed for a particular length of time to qualify for this leave.

Family Medical Leave

Up to 28 weeks of unpaid leave.

Eligible employees are entitled to up to 28 weeks of job-protected unpaid leave within a 52-week period to provide care and support for a family member and people who consider the employee to be like a family member, and who has a significant risk of dying within a period of 26 weeks.

Notice is required in written form, without a timeframe. An employer can ask for evidence; a medical certificate is not required before the leave, but it must be eventually provided.

An employee is only eligible for family medical leave if a family member has a serious medical condition that poses a significant risk of death within 26 weeks, which is one of the main distinctions between it and family caregiver leave.

Critical Illness Leave

Up to 17 or 37 weeks of unpaid leave.

Eligible employees are entitled to up to 37 weeks of job-protected unpaid leave to care for a critically ill child under the age of 18 and up to 17 weeks of leave to care for a critically ill adult within a 52-week period.

An employer can ask for evidence. A written notice and medical certificate are required. The employee also must provide a timeline for their return.

A critically ill family member does not have to live in Ontario.

Domestic or Sexual Violence Leave

For more information, please visit vacationtracker.io

Up to 10 days and 15 weeks per year. The first five days are paid.

Employees are entitled to job-protected leave for up to 10 days and 15 weeks per year due to domestic or sexual violence suffered by the employee or the employee's children. The first five days of leave are paid.

Employees must've been employed for at least 13 consecutive weeks to be eligible for leave.

Leave may be taken for various reasons related to seeking medical attention, accessing services from a victim services organization, receiving psychological or other professional counseling, etc.

Maternity, Paternity, and Parental Leave in Ontario

The maternity leave could last a maximum of 78 weeks (the pregnancy leave lasts for 17 weeks, and after that, mothers can take an additional 61 weeks of parental leave).

Pregnancy Leave (Maternity Leave)

Up to 17 weeks of unpaid leave.

Pregnancy leave is just another word for maternity leave, but it means the same thing.

Employees are entitled to up to 17 weeks of unpaid leave. This applies to full-time, part-time, permanent, or term contract employees. An employee is eligible for leave if she started her employment at least 13 weeks before the date the baby is expected (the "due date").

For more information, please visit vacationtracker.io

The earliest leave can begin is 17 weeks before the expected date, and the latest is on the expected date of birth.

An employee is not entitled to take leave if she has a miscarriage or stillbirth more than 17 weeks before her expected due date. An employee is entitled to take leave if she has a miscarriage or stillbirth within the 17-week period preceding the expected date.

Employees must provide 2 weeks' notice and a medical certificate if required. An employer can ask for evidence.

Paternity Leave

Part of parental leave.

Paternity leave doesn't exist as such in Ontario. Instead, fathers can take Parental Leave. They typically take a smaller portion of the total leave and allow mothers to take the larger portion.

Parental Leave

Up to 61 or 63 weeks of unpaid leave.

Maternity leave is a period when a mother takes time off from work before or after giving birth. Parental leave, on the other hand, is a leave that can be taken by either a mother or a father to look after a child after birth or adoption. It applies to both biological and adoptive parents. A birth mother may take both pregnancy leave and parental leave, but they are two separate types of leave.

Employees are entitled to up to 61 or 63 weeks of unpaid leave. This applies to full-time, part-time, permanent, or term contract employees. Employees are eligible for leave if they began working 13 weeks prior to their parental leave.

For more information, please visit vacationtracker.io

Leave must begin no later than 78 weeks after the date the baby is born or comes into their home or custody.

Parental leave taken after the pregnancy leave is 61 weeks long (in that case, we come to the maximum combined duration of maternity and parental leave, which is 78 weeks). Birth mothers who don't take pregnancy leave and all other new parents are entitled to take up to 63 weeks of parental leave.

A two weeks' written notice is required. A medical certificate might be required, if requested by the employer (the employer can demand this evidence).

Payout

Maternity and parental leave in Ontario are unpaid by the employer, but employment insurance ("EI") maternity benefits are paid by the federal government to eligible employees.

Bereavement Leave in Ontario

Up to 2 days of unpaid leave.

Employees who have worked at least 2 consecutive weeks are eligible for up to 2 days of job-protected unpaid leave due to a family member's death.

Payout

Bereavement leave in Ontario is unpaid.

Jury Duty Leave in Ontario

A leave without pay.

For more information, please visit vacationtracker.io

An employer is required to provide employees with unpaid time off for jury duty leave and for employees selected to serve as jurors.

Payout

The employer is not legally obligated to pay the employee's salary during jury duty leave.

However, jurors can claim an allowance or compensation from the government for time spent in court. In Ontario, jurors are not paid for the first 10 days that they serve. From days 11 through 49, they will be paid \$40 per day. From day 50, \$100 per day.

Reservist Leave in Ontario

Unlimited unpaid leave.

Employees who are reservists are entitled to unpaid leave:

- if an employee is deployed to a Canadian Forces operation outside of Canada
- if an employee is deployed to a Canadian Forces operation inside Canada
- if an employee is participating in military skills training.

This leave is unrestricted; it lasts for the duration of the military deployment or training.

Employees are eligible for leave if they have been employed by the same employer for at least 3 consecutive months.

Employees must provide employers with written notice. An employer may demand that a worker provide evidence.

A reservist's leave ensures job protection and reinstatement.

Payout

For more information, please visit vacationtracker.io

Reservists' leave is unpaid.

Voting Leave in Ontario

Up to 3 consecutive hours of paid time off.

Eligible voters in federal, provincial, or municipal elections have the right to take 3 consecutive hours off while the polls are open.

The employer must pay the employee for this time off, but can choose when to grant it.

With many polling stations staying open until later in the evening, it may not be necessary to make special arrangements at work. If an employee only works a few hours on election day or has 4 consecutive hours available before or after their shift, they are not entitled to additional time off. This means that if an employee has 3 hours outside of their work schedule during which they can vote, the employer is not obligated to give them extra time off for this purpose.

Payout

Voting leave is unpaid.