

## Ministry of Labour, Immigration, Training and Skills Development

# Hours of Work and Overtime Pay

**Disclaimer:** This resource has been prepared to help employees and employers understand some of the minimum rights and obligations established under the *Employment Standards Act, 2000* (ESA) and regulations. It is not legal advice. It is not intended to replace the ESA or regulations and reference should always be made to the official version of the legislation. Although we endeavor to ensure that the information in this resource is as current and accurate as possible, errors do occasionally occur. The ESA provides minimum standards only. Some employees may have greater rights under an employment contract, collective agreement, the common law or other legislation.

The [Employment Standards Act, 2000](#) (ESA) sets minimum standards for most workplaces in Ontario, including hours of work and overtime pay. This information sheet provides information about the general rules in Ontario about hours of work and overtime pay.

Under the ESA, some jobs or industries have special rules or exemptions for hours of work and overtime. For more information and to learn if your job has special rules or exemptions, go to [Ontario.ca/ESAtools](https://Ontario.ca/ESAtools).

## Hours of work

You cannot be required to work more than eight hours a day or the number of hours in your regular work day if your regular work day is longer than eight hours. You also cannot be required to work more than 48 hours in a week.

## Rest periods and eating periods

Your employer must give you a 30-minute eating period after working no more than five hours of work, or two shorter eating periods equal to 30 minutes within a five-hour period, if the employer and employee agree.

Your employer must give you 11 consecutive hours off work in each 24-hour period. You must also have 24 straight hours off work each work week, or 48 straight hours off every two work weeks.

Your employer must give you eight hours off between shifts. This does not apply if the total time worked on both shifts is not more than 13 hours, or you and your employer have agreed in writing that you will receive less than eight hours off between shifts.

To calculate these periods, try the Employment Standards Self-Service Tool at [Ontario.ca/ESAtools](https://ontario.ca/ESAtools).

## Excess hours of work

You and your employer can agree in writing that you will work more than:

- eight hours a day or their established regular work day – if it is longer than eight hours;
- 48 hours a week.

### **You do not have to agree to work excess hours.**

If you *do* agree to work excess hours, you cannot work more than the number of hours shown in your agreement.

You can cancel this agreement by giving your employer two weeks' written notice. Your employer can also cancel the agreement by giving you reasonable notice. Once your agreement is cancelled, you can no longer work excess hours.

If you are represented by a trade union, your union can make agreements with your employer on your behalf.

For more information on hours of work, including excess hours agreements, go to [Ontario.ca/hoursofwork](https://ontario.ca/hoursofwork).

## Overtime pay

Generally, your employer must pay you overtime pay if you work more than 44 hours in a week. Overtime pay is 1 ½ times your regular rate of pay.

You can receive paid time off work instead of overtime pay if you and your employer agree to this in writing. Paid time off is provided at 1 ½ hours off for each overtime hour worked.

The time off must be taken within three months of being earned.

## Overtime averaging

You and your employer can agree in writing to average your hours over two, three or four weeks to determine overtime pay, if any. This means your overtime pay is based on the average number of hours you work in the period set out in the agreement rather than each week. You do not have to agree to overtime averaging if you do not want to.

These agreements must contain a start date, an expiry date and generally cannot last longer than two years. Generally, you or your employer cannot end the averaging agreement before the expiry date, unless you and your employer both agree, in writing, to end it. If you are represented by a trade union, your union can make agreements with your employer on your behalf. These agreements will last no longer than when the next collective agreement takes effect.

For more information about overtime and averaging agreements visit [Ontario.ca/overtime](https://Ontario.ca/overtime).

## You cannot be punished for asking about or using your ESA rights

If you ask about or exercise your rights under the ESA your employer cannot punish you in any way, including by ending your employment.

## You cannot agree to give up your rights

You cannot agree or sign a contract to give up any of your rights under the ESA. These agreements or contracts are invalid. For example, if you sign a contract saying your employer does not have to pay you overtime, this agreement would be invalid.

## For more information or to file a claim

For more information about the ESA visit [Ontario.ca/ESAGuide](https://Ontario.ca/ESAGuide).

If you have questions about the ESA you may also call the Employment Standards Information Centre at 416-326-7160, toll free at 1-800-531-5551, or TTY 1-866-567-8893. Information is available in many languages.

If you believe that you have not received your rights under the ESA, you can file a claim with the Ministry of Labour, Immigration, Training and Skills Development at [Ontario.ca/ESAclaims](https://Ontario.ca/ESAclaims).