

Employer 101

The basics in hiring your instructors

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»» December 1, 2018

Overview

- ❑ Offers of Employment
- ❑ Supervision
- ❑ Workplace policies
- ❑ ESA – *Employment Standards Act*
- ❑ OHSA – *Occupational Health and Safety Act*
- ❑ WSIA – *Workplace Safety and Insurance Act [WSIB]*
- ❑ Questions?????

OFFERS OF EMPLOYMENT

Essentials:

- ✓ Agreed to prior to first day of work
- ✓ Provide for termination
 - ✓ Fixed term
 - ✓ Within the term
 - ✓ Cause
- ✓ Provide for temporary layoff
- ✓ Offer to accommodate disabilities [AODA, Reg.191/11]
- ✓ Any special terms and conditions
 - ✓ Driver's license
 - ✓ Criminal records check – vulnerable sector
- ✓ Opportunity to sign off

Good to include:

- Wage rate
- Vacation pay
- Hours of work and scheduling

A note on “independent contractors”

SUPERVISION

WHO SUPERVISES?

- ❖ HEAD INSTRUCTOR?
- ❖ PROGRAM DIRECTOR?
- ❖ CLUB STAFF?

- ❖ OHSA – s. 25(2) “An employer shall, ..

(c) When appointing a supervisor, appoint a competent person”.

WORKPLACE POLICIES

Some Essential Policies:

- ☐ Workplace Harassment [OHSA, s. 32.0.1]*
- ☐ Violence [OHSA, s. 32.0.1]*
- ☐ Workplace Accommodation [AODA req'ment]
- ☐ Workplace Discrimination
- ☐ Code of Conduct
- ☐ Occupational Health and Safety *
- ☐ Electronic networks and Social Media

*required to be reviewed annually

ESA

WHAT APPLIES?

It depends.....

Regulation 285/01 provides exemptions for

“a person employed as a student to instruct or supervise children”

- Minimum wage – s.7
- Overtime pay – s. 8
- Public Holidays – s. 9

A “student” is interpreted to be someone in full-time attendance at a primary, secondary or post-secondary institution working during the school period or a holiday period but has the intention of returning to school at the end of the holiday period.

It is the EMPLOYER’s onus to confirm that the individual is in and returning to school – so there must be a record of this.

Different from “student minimum wage”

- under 18
- less than 24 hours a week

During school or on a school break

ESA – WHAT DOES APPLY TO ALL

- ✓ RECORDS
- ✓ VACATION PAY
- ✓ HOURS OF WORK AND EATING PERIODS
- ✓ EQUAL PAY FOR EQUAL WORK
- ✓ LEAVES OF ABSENCE
- ✓ TERMINATION
- ✓ LIABILITY OF OFFICERS AND DIRECTORS FOR WAGES

OHSA

Duties of employers include [but aren't limited to]:

- ✓ Supply prescribed safety equipment
- ✓ Make sure equipment is maintained
- ✓ Provide information and instruction to protect workers
- ✓ Take every precaution reasonable in the circumstances for the protection of a worker
- ✓ Post a copy of the OHSA in the workplace

Workplace Safety and Insurance Act [WSIB]

MANDATORY PARTICIPATION – OR BY APPLICATION???

IT DEPENDS ON THE CLUB AND ITS OPERATIONS.

IF A CLUB HAS OPERATIONS, SUCH AS A RESTAURANT
THAT HAVE MANDATORY PARTICIPATION – LIKELY
CAUGHT - OTHER OPERATIONS

WILL BE ON A CASE BY CASE BASIS

IF BY APPLICATION – APPLY – COVERED – PAY PREMIUMS –
MAIN BENEFIT EMPLOYEE CAN'T SUE
CAN GET LIABILITY INSURANCE FROM THE PRIVATE
SECTOR

Questions?

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