

# Information for Employees About 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. Employers and employees may wish to obtain legal advice.

These are the general rules in Ontario about hours of work and overtime pay. There are exceptions and special rules for some employees under the [Employment Standards Act, 2000](#) (ESA). To see if your occupation is subject to special rules or exemptions see the Guide to Employment Standards Special Rules and Exemptions available at [Ontario.ca/ESAtools](http://Ontario.ca/ESAtools)

**Your employer cannot intimidate you, fire you, suspend you, reduce your pay, punish you in any other way or threaten any of these actions for exercising your ESA rights.**

## Hours of work

The maximum daily and weekly limits on hours of work are:

- 8 hours a day (or the number of hours in your regular work day, if it is more than 8),
- 48 hours a week.

## Rest periods and eating periods

Your employer must give you at least:

- 11 consecutive hours off work each day (a “day” is a 24-hour period – it does not have to be a calendar day);
- 8 hours off work between shifts (unless total time worked on the shifts is 13 hours or less, or you and your employer have otherwise agreed in writing, including electronically); and
- 24 consecutive hours off work each work week (or 48 consecutive hours off every two work weeks).

You must also get a 30-minute eating period after no more than five hours of work. You can agree with your employer to split this eating period into two shorter breaks.

## Overtime pay

For every hour you work over 44 hours a week, your employer must pay you at least 1½ times your regular rate of pay (“time and a half”).

## Excess hours of work and overtime averaging

**You do not have to** but if you **choose** to, you can agree with your employer in writing, including electronically to:

- work more than 8 hours a day (or the number of hours in your regular work day, if it is more than 8),
- work more than 48 hours a week, and / or
- average the hours you work over periods of two or more weeks to calculate overtime pay.

For excess weekly hours and/or overtime averaging to be permitted, your employer must also apply for approval from the Ministry of Labour’s Director of Employment Standards and post a copy of the application where you can see it. If and when your employer gets approval from the Director, the approval form must be posted where you can see it. Your written or electronic agreement alone is **not** enough. You cannot work more than the number of hours approved by the Director. This may be fewer than the number of hours you agreed to work.

You can cancel an agreement to work excess daily or weekly hours by giving your employer two weeks’ written notice. Your employer can also cancel an agreement by giving you reasonable notice.

Overtime averaging agreements must have an expiry date and cannot be cancelled unless both you and your employer agree.

Generally, if you are represented by a union your union would make agreements with your employer on your behalf.

## For more information or to file a claim

If you have questions about the ESA call the Ministry of Labour’s 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 multiple languages.

More information on hours of work and overtime pay can be found in *Your Guide to the Employment Standards Act, 2000* available at [Ontario.ca/ESAguide](https://www.ontario.ca/ESAguide). You may also wish to try the Hours of Work and Overtime Tool available at [Ontario.ca/ESAtools](https://www.ontario.ca/ESAtools). To file a claim, you can access the Employment Standards Claim Form online at [Ontario.ca/ESAforms](https://www.ontario.ca/ESAforms).