

# Blakes Bulletin

## Labour & Employment

### Minimum Wage in Ontario Rises Again

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On March 31, 2009, the general minimum wage in Ontario becomes C\$9.50 per hour. This is the sixth increase in the minimum wage since 2004, and is reflected in the recent amendments to Regulation 285/01 of the *Employment Standards Act, 2000*. Further increases to the general minimum wage are also scheduled to come into force on March 31, 2010 (C\$10.25 per hour). The Regulation also increases the minimum wage rates for students, liquor servers, homeworkers, and hunting/fishing guides to the rates described below.

#### WHAT IS MINIMUM WAGE?

Minimum wage is the lowest rate an employer can pay an employee. Most employees are eligible for minimum wage, whether they are full-time, part-time, seasonal employees, or are paid at an hourly rate, commission, flat rate or salary.

There are job-specific exemptions and special rules for certain industries and job categories. For example, while the general minimum wage rate applies to most employees, there are other minimum wages that apply to:

- students under 18 years of age, working not more than 28 hours per week during the school year or working during a school holiday (C\$8.90 per hour);
- employees who generally serve liquor directly to customers or guests in licensed premises (C\$8.25 per hour);
- hunting and fishing guides (C\$47.50 per day for working less than five consecutive hours in a day; C\$95.00 per day for working five or more hours in a day whether or not the hours are consecutive);
- homeworkers (i.e., employees who do paid work in their own homes for an employer) (110% of the general minimum wage).

#### WHAT HAPPENS WHEN THE MINIMUM WAGE CHANGES?

If the minimum wage rate changes during a pay period, the pay period will be treated as if it were two separate pay periods and the employee will be entitled to at least the minimum wage that applies in each of those periods.

For more information with respect to compliance with your obligations regarding minimum wages, please contact a member of Blakes Labour & Employment Group.

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