



CELEBRATING **\$50M** LOANS DISBURSED

Human Resources Guide for Small Businesses



Community Futures Development Corporation
Société d'aide au développement des collectivités

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An Overview of this HR Guide

PART 1:

What a Business
Needs to Know
about HR
Compliance

- Understanding your legal responsibilities and which federal & provincial policies you need to follow
- Information about standard procedures and policies to have in the workplace

PART 2:

HR Best
Practices and
Tips for Small
Businesses

- How to recruit and hire new staff
- Steps to take during the application and interview process, and the termination process
- Information about managing staff

Glossary of Terms




Human Resources (HR): is a section of a business of organization that handles hiring, training, and managing employees.
Entrepreneur: a person who starts and runs their own business, often taking on higher financial risks in doing so.
Enterprise: refers to a business or company.
Representative: an individual or group of individuals chosen to speak for or make decisions for another person or organization.
Accessibility: being able to use, enter, or obtain.
Kiosk: a cubicle or small structure located in public areas for providing information or selling items, and often have touch screens.
Speech Recognition Program: a software that can recognize a spoken language and put it into text on a computer.
Undue Hardship: a circumstance in which a person or business isn't required to follow a legal requirement because doing so would require them to take on an unreasonable level of burden to their operation.
Impairment: being in a weakened physical or mental state.
Just-Cause: means that the employer had terminated an employee due to serious misconduct that violates the employment contract and the employment relationship cannot be restored.
Privacy Policy: a policy that outlines some or all of the ways in which an organization gathers, uses, and shares their customers or employee's information.
Private-Sector: organizations that are owned and financed by individuals, rather than the government.
Compliance: following a rule or policy.
Consent: to give permission for a decision or action to occur.
Disclosure: making information known to either the public or someone who did not previously have that information.
Safeguard: a measure taken to protect something or someone from harm or damage.
Probationary: a period of observing a person's abilities who is in a new role or job.
Remuneration: payment for an employee's work or services.
Gross wage: the sum of wages received by an employee before any taxes or deductions are made.




Lump sum: a single payment at a particular time, rather than multiple smaller payments.
Entitlement: having a right to something, often a benefit or service.
Premium Pay: payment received by an employee in addition to their regular rate of pay for working extra hours.
Legislated: a law or set of laws that have been passed by government.
Personnel: people employed in an organization or business.
Commission: the amount of pay an employee receives is based on how many products or services they sell.
Fixed salary: an employee receives a certain annual salary, regardless of the number of hours they worked and is agreed upon in the employment contract.
Third-party administrator/software: a company that provides its services to a business, which are often administrative such as handling insurance or payroll.
Termination: the act of bringing something to an end.
Wilful misconduct: an act that intentionally ignores the standards of performance and behavior outlined in a contract.
Insubordination: refusing to obey a rule or order.
Wilful neglect: an intentional failure to perform duties due to carelessness.
Trade union: an organization of workers that formed to protect and advance their rights and interests.
Global payroll: the management of an organization's entire payroll through one system or location.
Fiscal: relating to finances and the use of one's money.
Reimburse: to repay an amount of money that someone has spent or lost.
Intellectual Property: the ownership of an idea or invention by the person who came up with it. This person has rights to this idea so that no one else can copy or use it without their permission.
Conflict of Interest: when an employee, has personal interests such as friends, family, finances, that could shape their actions or decisions to gain a personal benefit.
Non-solicitation: an agreement between an employer and employee that prevents the employee from using the company's customers, clients, or contacts for their own benefit after leaving the company.
Solicit: to ask for or try to gain something or someone.
Whistleblower: a person who reveals information about something a person or organization is doing, often illicit activities or other wrongdoings.
Teleworking: working from home.
Curriculum vitae (CV): a full history of a person's education, qualifications, and past work experience. Whereas a resume is a shorter account of this history.

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Introduction

An entrepreneur identifies a commercial need in their community, develops a business idea and takes the lead role to start their enterprise. Business owners often have to plan and organize the day-to-day operations such as finances, banking, supplier management, marketing, client development, customer service, billing and collection, work travel, etc. As the business grows, the entrepreneur is often forced to consider hiring employees. When this moment happens, business owners must be prepared to hire and train staff. In order to do so, new employers are required to know their legal responsibilities, to implement employment standards and procedures, and to write workplace policies. In addition, the new employer needs to learn to identify staff requirements, write job descriptions, screen and interview candidates, and then orient, manage, and pay employees.

The following Human Resource (HR) guide will help you navigate the main aspects of human resource management that an employer needs to know such as one's legal responsibilities, employment standards, hiring and managing employees, and more. This guide is tailored to support Indigenous entrepreneurs leading small businesses with several employees.



Quick Note on Canada Labour Code

For some employers, one of the most complicated legal questions is whether their operations are regulated by federal or provincial employment laws. The courts have generally recognized that employment issues are presumptively a provincial matter, and the federal jurisdiction is defined by way of exemption, which has been narrowly interpreted. Most First Nation employers, outside of Band Governance, are subject to provincial, rather than federal law.

The Canada Labour Code is an Act of the Parliament of Canada that defines the rights and responsibilities of workers and employers in federally regulated workplaces and sets out federal labour law. As a regulator, the Labour Program at Employment and Social Development Canada is responsible for protecting the rights and well-being of both workers, and employers in those workplaces. The Federal Labour Standards only apply to employees in federally regulated businesses and industries, and they set employment conditions such as hours of work, payment of wages, overtime rules, vacation, and general holidays, leaves and rights of termination of employment.

For a list of federally regulated industries and workplaces (which includes First Nation Band Councils and certain community services on reserve), please see Canada's [website](https://www.canada.ca/en/services/jobs/workplace/federally-regulated-industries.html)¹. The Federal Labour Standards do not apply to self-employed and independent workers. The Federal Labour Program's definition of an employee may differ from the definition used by the Canada Revenue Agency. For more information on federal labour standards, visit: [Canada.ca/federal-labour-standards](https://www.canada.ca/en/services/jobs/workplace/federally-regulated-industries.html) or contact the Labour Program Telephone: 1-800-641-4049 Teletypewriter: (TTY) 1-800-926-9105



¹ <https://www.canada.ca/en/services/jobs/workplace/federally-regulated-industries.html>

Part 1: What a Business Needs to Know about HR Compliance



Legal Responsibilities

Being an employer requires you to know and adhere to the various legal responsibilities at a workplace which will protect you if an employment dispute arises. Employers in Ontario are required by law to develop and follow the policies listed below:

- 1) a Workplace Health and Safety Policy and Training
- 2) an Accessibility Policy and AODA Training
- 3) a Workplace Violence and Harassment Policy and Training.

We have included some additional policies that we recommend implementing as best practice.

Health and Safety

Selected Representative or Committee

Ontario requires that workplaces have either a Health and Safety Committee or a Representative. For workplaces with more than 5 but less than 20 employees, one person must be selected to be the Health and Safety Representative. This person will be responsible for improving health and safety in the workplace. If your business has 0-5 employees, you are not required to have a representative.

Training Programs

Under the Occupational Safety and Health Administration (OHSA), employers must also ensure that their employees complete a basic occupational health and safety awareness training program. The employer must keep a record of the training completed by their employees. Training programs can be developed by the workplaces themselves if they meet the requirement set out in [Ontario Regulation 297/13²](#). However, the Ontario Ministry of Labour (MOL) has developed basic occupational health and safety awareness training programs for workers. The programs are available free of charge as either printable workbooks or through online e-learning modules. These programs can be found on the [ministry website³](#).



Workplace Hazardous Materials Information System (WHMIS)

If an employer uses or stores hazardous products at their workplace, they have additional duties under the OHSA:

- i. Ensure the hazardous products are labeled and identified.
- ii. Gather the material and safety data sheets for hazardous products and allow employees to review them.
- iii. Educate employees about the hazardous products they may be exposed to and make sure they receive training as needed.

“Hazardous product” is defined as any product, mixture, material or substance that is classified under the Hazardous Products Regulations (Canada) in a category or subcategory of a hazard class which is listed in Part 2 of the [Hazardous Products Act⁴](#). WHMIS has developed a [Safety Data Sheet⁵](#) as a tool to help employers comply with these rules.

2 <https://www.ontario.ca/laws/regulation/130297>
 3 <https://www.labour.gov.on.ca/english/hs/training/index.php>
 4 <https://laws-lois.justice.gc.ca/eng/acts/h-3/>
 5 <http://whmis.org/sds/>

COVID-19 Workplace Health and Safety Plan

In response to the COVID-19 pandemic, Ontario implemented requirements for employers to follow regarding COVID-19 health and safety. The requirements are:

- i. Certain businesses need to have a safety plan, and all other business are encouraged to have one as well. Business that are required to have a safety plan must post it in a place that is easily seen and make it available for anyone who asks to see it. Employers must discuss their safety plans with everyone at the workplace, including contractors and suppliers. The [Ministry's January 2021 Newsletter](#)⁶ included various resources for businesses to implement a safety plan.
- ii. Employers must impose health screening to determine if employees and visitors are allowed to enter the workplace. Screening must be implemented for any employees entering the workplace, or essential visitors upon arrival such as contract, maintenance, or delivery workers. Screening questions for employees and customers are also available for download from the Ministry's Newsletter.
- iii. Providing posters that employers are encouraged to print and post in the workplace. These posters provide information about preventative actions such as physical distancing and sanitation to help prevent the spread of COVID-19. Employers are encouraged to download and post various posters around the workplace. Various posters are available on the [Government of Ontario's website](#)⁷.

Workplace Safety and Insurance Board (WSIB)

In Ontario, it is mandatory for most businesses to register for WSIB coverage. However, if you are unsure about whether you need coverage or not, the WSIB website offers a [questionnaire](#)⁸ to help you find out. The WSIB also provides additional information about coverage and various resources for small businesses in particular.

Accessibility



There are various requirements for workplaces set forth under the Integrated Accessibility Standards (IAS) under the Accessibility for Ontarians with Disabilities Act (AODA). They are required for all businesses regardless of their size and are as follows:

6 <https://mailchi.mp/83497afdcf40/whats-new-january-2021>

7 <https://www.ontario.ca/page/covid-19-workplace-health-safety#section-4>

8 <https://www.wsib.ca/en/businesses/registration-and-coverage/do-you-need-register-us>

Accessible Customer Service

Employers must create a Customer Service Policy which outlines the actions the employer can take to comply with the AODA and what customers can expect from the employer regarding accessibility. Employers must also create an Accessibility Plan so that their employees, customers, and volunteers know what to expect. Additionally, if a business has self-serve kiosks, they must be accessible.

Emergency Response Information

Employers must make emergency and safety information in accessible formats available to the public upon request and inform the staff about these formats.

Multi-Year Plan and Accessibility Policy

Employers must produce a multi-year accessibility plan and accessibility policies. The policies will show the employer's commitment to becoming more accessible, while the multi-year plan outlines what the employer will do to eliminate and prevent accessibility barriers. The plan must be posted on the website if the employer has one and provide it in accessible formats upon request.

Training

Employers must provide training on the AODA and Human Rights Code to all employees, volunteers, and anyone else who provides services to the employer.



**Ontario
Human Rights Commission**
**Commission ontarienne des
droits de la personne**

Feedback

Employers must be able to receive and respond to feedback from employees, customers, and the public who have a disability, whether in writing, by telephone, e-mail, etc. This correspondence must be in accessible formats as needed.

Public Information Accessible

Employers must make public information accessible upon request and collaborate with the individual requesting the accessible information.

Accessible Employment Practices

Employers must inform staff about policies for employees with disabilities and provide accessible workplace information upon request. For disabled employees, employers must create an accommodation plan, support return to work, and practice accessible performance management.

Design of Public Spaces

As of January 1, 2018, accessible design of public spaces is required for all employers. Public spaces refers to the physical surroundings around and within a workplace that may be accessed by the public. Having accessible public spaces means including features that make it easier for everyone to use. The organization that is required to comply with the AODA under the Design of Public Spaces Standard is the one with authority or approval to build on or make significant alterations to the public space.

Prevention of Workplace Harassment, Discrimination and Violence








Under the OHSA, Employers must prepare a written workplace violence policy and post it somewhere easily seen in the workplace (workplaces with 5 or fewer employees are not required to put their policy in writing and have it posted). Employers also need to provide workplace violence training and conduct a risk assessment to determine the risk of violence in the workplace, reassessing as needed. *See Appendix* for a checklist of what needs to be included in the policy and training program.

Ontario's Ministry of Labour, Training, and Skills Development has various sample policies, training programs, and other resources on its [website](https://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php)⁹ that would be useful for new employers.

Duty to Accommodate

The Duty to Accommodate means the employer makes adaptations to ensure all employees have the same opportunity in the workplace. The employer must make an effort to work with employees and potential employees to ensure they are able to perform their duties by making temporary or permanent changes or modifications to the workplace, up to the point of Undue Hardship (see note). Accommodations may include:

9 <https://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php>

	Adopting a speech recognition program
	Providing flexible working hours
	Modifying break schedules to accommodate for religious obligations
	Modifying the workplace dress code
	Replacing a public holiday with another day that has cultural significance to the employee

Note: more information about Undue Hardship and the Duty to Accommodate can be found [here](#)¹⁰.

Required Postings in the Workplace

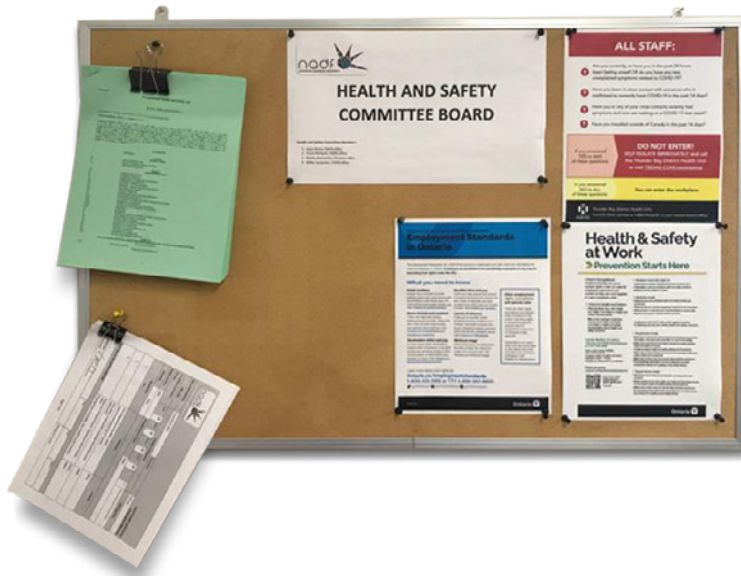
Ontario law requires the following postings to be put up in a visible spot in a workplace:



- 1) "Health & Safety at Work: Prevention Starts Here"; found [here](#)¹¹.
- 2) "In Case of Injury" (if your workplace is covered by the WSIB); found [here](#)¹².
- 3) Copy of the *Occupational Health and Safety Act* must be available on site; found [here](#)¹³.

10 <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>
 11 https://www.labour.gov.on.ca/english/hs/pdf/poster_prevention.pdf
 12 <https://www.wsib.ca/en/case-injury-poster-form-82>
 13 <https://www.publications.gov.on.ca/300151>

Here is an example of a workplace with the required postings up and visible to employees:

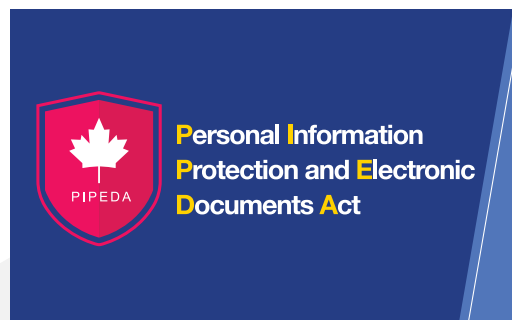


Impairment and Substance Policy

This policy is not required by Ontario but helps to create a safe and healthy workplace and implement a formal process for dealing with suspected impairment and substance dependency of employees. Impairment can deteriorate an individual's mental and/or physical abilities such as judgement, reaction time, motor skills, and balance—all of which can lead to unsafe workplace. *See Appendix* for a checklist of topics you could include in your Impairment and Substance Policy.

Privacy Policy

Private-sector businesses must follow the federal Personal Information Protection and Electronic Documents Act (PIPEDA). Employers must follow 10 fair information principles under PIPEDA, along with any additional privacy policies they want to put in place. These principles are outlined below:



- 1) **Accountability:** the business must choose someone to be accountable for compliance with these principles.
- 2) **Identifying purposes:** the purpose for collecting personal information must be identified by the business at the time the information is being collection.
- 3) **Consent:** the knowledge and consent of employees is required for the collection, use, and disclosure of personal information.
- 4) **Limiting collection:** the collection of personal information must be limited to what is needed for the purposes previously identified by the business.

- 5) **Limiting Use, Disclosure, and Retention:** personal information can only be used or disclosed for the purpose previously identified by the business, unless the employee consents or is required by law. The information can only be kept as long as is required to serve that purpose.
- 6) **Accuracy:** personal information must be as up-to-date, accurate, and complete as possible.
- 7) **Safeguards:** personal information must be securely protected.
- 8) **Openness:** a business must provide detailed information about its policies and practices of personal information and must be publicly and readily available.
- 9) **Individual Access:** upon request, an employee must be given access to their personal information and can challenge the accuracy and completeness of that information.
- 10) **Challenging Compliance:** an employee is able to challenge a businesses' compliance with the principles listed above.

More information about PIPEDA can be found [here](#)¹⁴.



Employment Standards and Procedures

Payroll

Getting a payroll system set up is a high priority for new businesses. Working with a third-party payroll administrator will reduce the amount of work for the employer. Once a payroll system has been set up, it must be administered on a regular basis. The payroll administrator must be someone who understands federal and provincial wage and hour laws such as minimum wage, overtime pay, meal periods, record keeping, etc.

Employers must determine who will administer payroll and ensure they have the proper training and knowledge to do. Employers must then choose a payday and pay period. For example, payday is Friday, and each pay cheque covers the period from 21 days before pay day up until 7 days before payday. If a payday falls on a holiday, employees are typically paid on the last workday before the holiday. If pay is given through direct deposit, then the employer will need to collect that information from the employee prior to their first payday.

If you choose to administer your own payroll, make sure the person in charge of doing so has training and knowledge in accounting. There are many third-party companies that will administer your payroll. You can search online for the one that you like best. The Canadian Payroll Association (CPA) released a [document](#)¹⁵ that lists multiple payroll outsourcing companies you could use.

¹⁴ <https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/>

¹⁵ <https://www.payroll.ca/PDF/Resources/Products-and-Services/Payroll-Outsourcing>

We have developed a checklist of information you will need to have when getting set up with a third-party payroll company (*See Appendix*).

Keeping Personnel Files

Employers in Ontario are required to keep written records about all their employees for a certain length of time. The employer also needs to ensure the records are available for inspection at any time.

Record of Employment (ROE)

A ROE is used by Service Canada to determine if an employee qualifies for Employment Insurance (EI) benefits, the benefit rate, and the duration of funding. Every employee must be given an ROE within five calendar days from the date on which an employee's earnings are interrupted. An interruption can mean the employee quit, got laid off or terminated, or have had seven consecutive days without both work and insurable earnings (an exception to this rule is for employees who are mostly paid by commission). An interruption can also mean the employee's salary has dropped below 60% of their normal weekly earnings because of a legislated leave of absence. For part time employees, the employer doesn't need to issue an ROE unless:

- The employee or Service Canada has requested it
- The employee is no longer on the employer's active employment list
- The employee has not performed work in thirty days

Many payroll companies will keep ROEs for you, otherwise, it is usually the responsibility of the person who administers your payroll to keep ROEs. More information about keeping ROEs can be found [here](#)¹⁶.

Vacation Records

Again, many payroll companies will keep vacation records for you, otherwise, it is the responsibility of the person who administers your payroll. Records that must be kept are:

- the vacation time earned from the date of hire but not yet taken before the start of the vacation entitlement year
- the vacation time earned and taken (if any) during the vacation entitlement year
- the remaining vacation time at the end of the vacation entitlement year
- the vacation pay earned and paid to the employee during the vacation entitlement year, and how that amount was calculated.

16 <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/ei-roe.html>

The records must be made no later than seven days after the next vacation entitlement year starts OR the first pay day after the vacation entitlement year ends, whichever is later. Employees can request a statement from their employer containing their vacation records and the employer must provide it no later than seven days after the request OR the first pay day after the employee makes the request, whichever is later.

If an employee agrees to be paid their vacation pay on each pay cheque earned, the employer does not need to keep records and provide statements as listed above. However, the employer must report that the vacation pay is being paid separately from the employee's wages on each pay statement or provide a separate statement showing the vacation pay that is being paid.

Personal information

- the employee's name, address, and employment start date; must be kept for three years after the employee stops working.
- the employee's date of birth if they are under 18 years old; must be kept for either three years after the employee turns 18 or three years after the employee stops working, whichever comes first.
- the hours the employee worked each day and week; must be kept for three years after the day or week of work.
 - if an employee is on a fixed salary, the employer only needs to record (1) the hours an employee works beyond their regular work week and (2) the hours an employee works beyond eight hours or beyond their regular workday (if it is over eight hours). Employers do not need to record the hours of work for employees who are exempt from overtime pay and maximum hours of work.
- copies of each agreement made with an employee to work excess hours or to average their overtime pay; must be kept for three years after the last day of work under the agreement.
- the information in an employee's wage statement; must be kept for three years after the information was given to the employee
- all documentation of an employee's legislated leaves of absences; must be kept for three years after the day of leave expired.
- If an employer employs "homeworkers" they need to keep a register of the name, address, and wage rate of the homeworker; must be kept until three years after the employee stops working.

Terms of Employment



Hours and Overtime

What is considered “work time”

Employers must pay employees for hours worked. Work is generally considered to be performed when the employee is performing work duties or is required to stay at the workplace. However, an employee is not considered to be working during entitled time off for eating, sleeping, engaging in private affairs. When an employee is “on call” but is not at the workplace, they are not considered to be working unless called into work. The time an employee spends in training that is required by the employer or by law is counted as work time. There is a difference between commuting time and travel during the workday. Time spent travelling during the workday is considered work time. Commuting is the time it takes an employee to get to and from work and is not counted as work time. The exceptions to this rule are:

- If the employee must take a work vehicle home, then work time begins when the employee leaves to get to work and ends when they get home from work.
- If the employee must transport staff or items to or from the workplace to another location, then time spent doing so is considered work
- If the employee is required to travel to a location beyond their usual location to perform work, the time traveling to and from that other location is counted as work time.

Eating periods and breaks

Employers must provide eating periods to employees but are not required to provide any other type of breaks. An employee cannot work more than five hours in a row without getting a 30-minute eating period. Eating periods are unpaid unless stated otherwise in the employment contract. Even if the employer pays employees during eating periods, they must be free of all work duties during that time. Eating periods, paid or unpaid, are not considered hours of work and do not count towards overtime.

Maximum hours worked

The maximum number of hours an employee can be required to work in a day is 8 hours, or the number of hours in an establish workday if the workday is longer than 8 hours. The maximum number of hours an employee can be required to work in a week is 48 hours. The daily or weekly maximums can only be exceeded if there

is an agreement, electronically or in writing, between the employer and employee. This agreement does not relieve the employer from being required to pay overtime when overtime hours are worked. Employees are entitled to at least 11 consecutive hours free from work. Further details on this policy can be found [here¹⁷](#).

Overtime

Overtime pay begins after employees have worked 44 hours in a work week and their hours after 44 must be paid at the overtime rate. Overtime pay is 1.5 times the employee's regular pay rate. Unless the employment contract states otherwise, an employee does not earn daily overtime pay by working over a certain number of hours a day. Overtime is calculated on a weekly basis or over a longer period under an averaging agreement. An employee can agree, electronically or in writing, to receive paid time off work instead of overtime pay. In this case, the employee must be given 1.5 hours of paid time off work for every hour of overtime they banked. This paid time off needs to be taken within 3 months of the week in which overtime was earned or can be taken within 12 months if there is an agreement, electronic or written. If the employee's job ends before taking their paid time off, the employee must receive their overtime pay no later than 7 days after the date the employment ended or on the next pay day. Managers and supervisors do not receive overtime for managerial or supervisory work or if the work they perform is only on an irregular basis.

More information on how to calculate overtime pay can be found [here¹⁸](#).

Wages and Deductions/Exemptions

Minimum Wage Rates

The minimum wage rate in Ontario as of October 1, 2021, is \$14.35/hour. The details on specialized minimum wage rates for students, liquor serves, homeworkers, etc. can be found [here¹⁹](#).

Payroll Deductions

Employers must make regular deductions from their employee's pay cheques. They are responsible for deducting income tax, Canada Pension Plan (CPP) and Employment Insurance (EI) premiums. Small business must remit to the Canada Customs and Revenue Agency on a quarterly basis. If you are administering payroll on your own, you will need to understand which payroll deductions you are required to make. However, if you have a third-party payroll administrator, they will do this for you.

17 <https://www.ontario.ca/document/your-guide-employment-standards-act-0/hours-work>

18 <https://www.ontario.ca/document/your-guide-employment-standards-act-0/overtime-pay>

19 <https://www.ontario.ca/document/your-guide-employment-standards-act-0/minimum-wage>

- i. Canada Pension Plan (CPP): employers are responsible for deducting CPP contributions from their employees' pay cheques and must match those contributions themselves.
- ii. Employment Insurance (EI): employers are responsible for deducting EI premiums from their employee's pay cheques and is based on their earnings. The employer must also make contributions to EI on behalf of the employee, which is slightly greater than the employee's contribution.
- iii. Income Tax: employers are responsible for deducting income tax from their employee's salaries, wages and other remunerations. A TD1 form will need to be completed by the employee and payroll deductions will be based on salary.
- iv. The T4: the employer must complete this report which shows salary, wages, taxable benefits, and any other deductions for the year. The employer needs to give this report to the employee by the end of February of the following year from which the form relates.
 - o As an Indigenous employer and/or business, you should seek tax advice regarding your potential tax exemptions. You have to be sure that you can prove the tax exemption on your T4. For example, if your business is located on a reserve then it is tax exempt under section 87 of the Indian Act. However, this also depends on various factors such as: where the earnings from the business are taking place, the type of business, where the management is taking place, and more. Visit the CRA [website](#)²⁰ for more information and consider seeking out professional tax advice.

To access the required forms and an online version of the Payroll Deduction Table, contact Canada Customs and Revenue Agency directly or check their [website](#)²¹.

The three-hour rule

If an employee who regularly works more than 3 hours a day is required to go into work but works for less than 3 hours, they must be paid whichever of the following amounts is the highest:

- three hours at their regular wage
- the amount earned by the employee for the time worked and wages equal to the employee's regular wage for the rest of the 3 hours

The rule does not apply to:

- employees whose regular shift are less than 3 hours
- in certain cases where the reason the employee was unable to work at least 3 hours was beyond the employer's control.

20 <https://www.canada.ca/en/revenue-agency/services/indigenous-peoples/information-indians.html>

21 <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/t4032-payroll-deductions-tables.html>

Paid and Unpaid Time Off

Paid vacation time

A vacation entitlement year is a recurring 12 month-period starting from the day of hire. Employees that have been working for less 5 years are entitled to 2 weeks of vacation time for the year and a vacation pay of 4% of their gross wages earned in the vacation entitlement year (excluding any vacation pay). Employees that have been working for 5 or more years are entitled to 3 weeks of vacation time for the year and a vacation pay of 6% of their gross wages earned in the vacation entitlement year.

When to pay vacation pay

Most often, the vacation pay earned during a vacation entitlement year must be paid to the employee in a lump sum prior to their vacation time. When employment ends and an employee has unpaid vacation pay, the employer must pay that amount to the employee.

Deadlines for vacation time

The vacation time earned for a vacation entitlement year must be taken within 10 months after the vacation entitlement year has commenced. Employers have the right to schedule vacation and an obligation to make sure the vacation time is taken before the end of that 10-month period. The employee can take their full vacation time all at once or schedule blocks of one-week periods. The employer and employee can agree electronically or in writing to shorter vacation periods.

Additional information and exceptions can be found in the [Employment Standards Act \(ESA\)](#)²².

Public Holidays

Most employees are entitled to take these public holidays off with public holiday pay. To learn about employees who do not qualify for public holiday entitlements, visit the public holidays section on the [ESA website](#)²³.

Ontario has nine public holidays each year. The nine public holidays are as follows:

- 1) New Year's Day
- 2) Family Day
- 3) Good Friday
- 4) Victoria Day

22 <https://www.ontario.ca/document/your-guide-employment-standards-act-0>

23 <https://www.ontario.ca/document/your-guide-employment-standards-act-0/public-holidays#section-1>

- 5) Canada Day
- 6) Labour Day
- 7) Thanksgiving Day
- 8) Christmas Day
- 9) Boxing Day (December 26)

(Note: Federal Labour Code has 10 holidays (which includes the above provincial ones minus provincial Family Day and plus federal Remembrance Day and National Day for Truth and Reconciliation)

Employees can agree, electronically or in writing, to work on the holiday and be paid:

- public holiday pay plus premium pay for the hours worked on the public holiday and not receive another day off (which is a “substitute” holiday); or
- be paid their regular wages for the hours worked on the public holiday and receive another substitute holiday to be paid public holiday pay.

If the public holiday occurs between January 1, 2018, and June 30, 2018, the amount of public holiday pay the employee is entitled to is all the regular wages they earned in the pay period before the public holiday, divided by the number of days the employee worked in that period. For public holidays that occur after July 1, 2018, the amount of public holiday pay the employee is entitled to is all the regular wages they earned in the four work weeks before the work week with the public holiday, plus all of the vacation pay payable to the employee in those four work weeks before the work week with the public holiday, divided by 20. The Ministry of Labour, Training and Skills Development offers a [Public Holiday Pay Calculator](#)²⁴ for employers.

Legislated Leaves of Absence

Eligible employees are entitled to various types of unpaid, job-protected leaves of absence. Employees are protected from being terminated for asking or taking these types of leaves. The legislated leaves of absence in Ontario include: Pregnancy and Parental Leave, Sick Leave, Family Medical Leave, Family Care Giver Leave, Family Responsibility Leave, Bereavement Leave, Domestic and Sexual Violence Leave, Critical Illness Leave, Child Death Leave, Crime-Related Child Death or Disappearance Leave, Organ Donor Leave, Reservist Leave, Declared Emergency Leave, Infectious Disease Emergency Leave. To learn more about each type of leave, visit the [ESA](#)²⁵.

24 <https://www.ontario.ca/page/public-holiday-pay-calculator>

25 <https://www.ontario.ca/document/your-guide-employment-standards-act-0>

An employer should consider determining their own definition of “family” when it comes to any family-related leaves of absence, since some employees may have large extended families that may not fall under a conventional definition of “family”. Providing clarity to your employees from the beginning can save you time and consideration when a request is made.

Another consideration to make is whether to provide leave for traditional activities, such as hunting. In an Indigenous HR context, this is a request that an employee may make so you as the employer may choose to include a section about whether you will be providing leave for traditional activities. You could include what you define as a traditional activity, the maximum leave an employee can take, and how much notice they must provide.

Vacation and leaves of absence

The vacation entitlement year will include the time an employee spends away from work due to: layoff, sickness or injury, certain legislated leaves, and any other approved leaves. Since there is no break in the employment relationship during these periods, the time counts toward the completion of a vacation entitlement year.

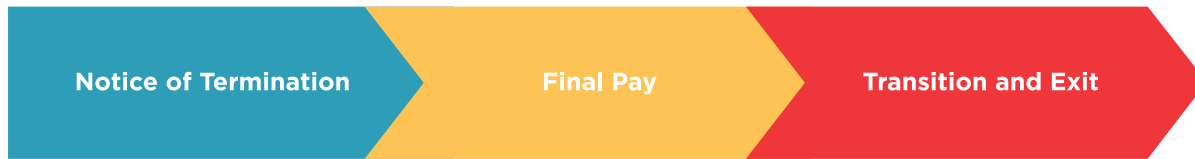
Time Off to Vote

Employers should recognize that commuting time, hours of work, and the hours during which the polls are open might restrict an employee’s ability to participate in voting. Employees are entitled to 3 consecutive hours to cast their vote before the polls close.

Jury Duty

If an employee is asked to serve jury duty, the employer provides unpaid time off for the duration of their leave. If the employer is not able to support the employees leave, you may write a letter to the courts asking for the employee’s jury duty to be excused. One way or another, employers should work with the employee to determine the best option.

Termination Procedures



Notice of Termination

When an employer terminates an employee who has been employed for more than three months, the employer must give the employee either written notice of termination or termination pay, or a combination. However, the notice period and the number of weeks of termination pay together must equal the length of notice the employee is entitled to. Written termination notice must be addressed to the employee and can be given to them in person, by mail, fax, or e-mail, as long as the receipt of delivery can be confirmed. Under the ESA, the employer does not need to provide the employee with a reason for termination. However, an employer cannot terminate or penalize an employee for asking questions about the ESA or exercising their rights under the ESA such as taking legislated leaves of absence. Employees who are guilty of wilful misconduct, insubordination, of wilful neglect of duty are not entitled to receive notice of termination or termination pay. Neither are construction employees, employees on temporary layoff, and employees who refuse reasonable offers of alternative employment. See table below for the amount of notice an employer must give the employee.

Amount of notice required if an employee has been continuously employed for at least three months	
Period of employment	Notice required
Less than 1 year	1 week
1 year but less than 3 years	2 weeks
3 years but less than 4 years	3 weeks
4 years but less than 5 years	4 weeks
5 years but less than 6 years	5 weeks
6 years but less than 7 years	6 weeks
7 years but less than 8 years	7 weeks
8 years or more	8 weeks

Source: <https://cutt.ly/SRayIW7>

During the termination notice period, the employer must:

- not reduce the employee's wage rate or make changes to any terms of employment
- continue to make the same contributions that would be required to maintain the employee's benefits

- pay the wages the employee is entitled to, which cannot be less than their regular wages for a regular work week for each week during the notice period.

See *Appendix* for a Notice of Termination Letter template.

Temporary layoff

An employee is considered to be temporarily laid-off when their employer reduces or stops their work without ending their employment. Under the ESA, employers are not required to give employees a written notice of a temporary layoff or need to provide a reason for the lay-off.

Under the ESA, a “temporary layoff” can last:

- no more than 13 weeks in any period of 20 consecutive weeks
OR
- more than 13 weeks in any period of 20 consecutive weeks, but less than 35 weeks in any period of 52 consecutive weeks, where:
 - the employer is giving the employee substantial payments
OR
 - the employer continues to make benefit payments for the employee under a legitimate group or employee insurance plan (for example a medical insurance plan) or a legitimate retirement or pension plan
OR
 - the employee is receiving supplementary unemployment benefits
OR
 - the employee is entitled to receive supplementary unemployment benefits but can't receive them because they are employed somewhere else
OR
 - the employer calls the employee back to work within the time frame approved by the Director of Employment Standards
OR
 - the employer calls the employee back within the time frame set established by an agreement with an employee who is not represented by a trade union

If an employee is laid off longer than the temporary layoff conditions listed above, the employer is considered to have terminated the employee. Most often, the employee will then be entitled to termination pay.

Final Pay

If the employer does not give an employee written notice of termination, then they must be given termination pay instead. Termination pay is a lump sum payment which equals the employee's regular wages for a regular work week that they would have otherwise received during the notice period. An employee still earns vacation pay on their termination pay. Also, employers must continue to make the same contributions that would be required to maintain the employee's benefits if they had continued to work during the notice period. Termination pay must be paid to the employee either seven days after the employee has been terminated or on the employee's next payday, whichever is later.

Severance Pay

Severance pay is paid to employees who have had their employment "severed" and compensates them for the losses of a long-term employee, such as loss of seniority. An employee will qualify for severance pay if the employer has severed their employment and:

- have worked for the employer for five or more years whether continuous or not, or active or not
- their employer has a global payroll of at least \$2.5 million or severed the employment of 50 or more employees within a six-month period due to partial or full closure of the business.

To calculate the amount of severance pay owed to an employee, you multiple the employee's regular wages for a regular work week by:

- the sum of the number of completed years of employment and
- the sum of the number of completed months of employment divided by 12 for one year that is not completed.

The maximum amount of severance pay that an employer is required to give is 26 weeks.

Transition and Exit

There are a few items to take care of when an employee leaves. The employee must receive their final wages, which includes any outstanding vacation and overtime pay. The employer must also provide a record of employment within the proper timeframe. *See Appendix* for a checklist of other items that are not required but are useful to consider during transition and exit.



Workplace Policies

Code of Conduct

Developing a code of conduct for your business provides a useful framework for behavior and expectations at the workplace of both employees and employers. It outlines the main values and mission of a business, which can help guide future decisions. It also informs potential employees about the ethics and standards of a business. It should be written in broad terms so that the employer can respond to any ethics challenges that may arise in the workplace. The code of conduct can be brief. See *Appendix* for information to include in a code of conduct.

Attendance and Breaks

Employers should implement a policy on attendance and breaks so that employees know what is expected of them and what they are entitled to. The policy would outline the times at which employees are expected to arrive and leave work, as well as any additional breaks they are permitted to have beyond the mandatory 30-minute eating period under the ESA. The policy would also include timing of breaks and meal periods, and whether they are paid or unpaid. This is important so that employers can consistently follow and apply the same policies to all employees and keep track of their whereabouts.

Expenses and Fiscal Responsibility

It is important for employers to clearly outline which expenses are paid by the business and which are the responsibility of the employee. The policy should list the type of expenses that the employee will be reimbursed for and which ones they will not be reimbursed for. It should also include whether the expenses must be pre-approved by the employer or not, as well as the method of reimbursement (cheque or direct deposit) and timeline for when the employee will be reimbursed. Many businesses use a third-party software where employees can submit their receipts to. Some examples include:

- Expensify
- Rydoo
- QuickBooks
- SAP Concur
- Hurdlr
- Zoho Expense

Confidential Information and Intellectual Property

Employees are often given access to confidential information about the business, clients, staff, etc. Employers should take steps to protect themselves by developing a policy around confidentiality which states expectations about keeping certain

information confidential. It can be stated in a section of the employee's employment agreement. *See Appendix* for a checklist of what to include in your policy.

Conflict of Interest and Non-Solicitation

Employees may be pursuing their own personal business interests outside of their employment in your company. As a result, employers should develop a policy on conflict of interest and non-solicitation. *See Appendix* for a checklist of what to include in your policy.

Use of Company Equipment and Personal Activities

It is useful for employers to state their policy on employee use of company equipment and personal activities to ensure employees remain safe and productive. *See Appendix* for a checklist of what to include in your policy.

Social Media Policy

Employers should consider implementing a social media policy to establish boundaries about what their employee's share on their personal social media accounts regarding the business and their co-workers. Today, a post on social media potentially reaches thousands of other online users and might be duplicated and forwarded to an unlimited number of other readers. Legal action can be taken against a person's post on social media, so having a policy can help prevent this type of situation arising. It can be as simple as stating that employees must refrain from posting any comments, photos, and other material about the company, its products, services, stakeholders, and employees online.

Smoking Policy

Under the Smoke-Free Ontario Act (SFOA), the employer of any enclosed workplace must post mandatory signs in a visible location with an unobstructed view. Employers must post either both the first and second sign shown below or just the third sign shown below. Employers need to post the signs at each entrance, exit and washroom, to notify employees and the public that they are not permitted to smoke or vape anything indoors.



Source: <https://www.ontario.ca/page/no-smoking-no-vaping-signs-businesses>

Policies Related to: Dating Co-Workers, Whistleblowing, Teleworking

Dating co-workers

To maintain professionalism in the workplace, employers should consider implementing a policy on dating co-workers. If dating or entering a consensual romantic relationship among co-workers is permitted, consider implementing guidelines around this such as:

- Both parties must mutually and voluntarily consent to the relationship.
- The relationship must not affect job performance or negatively impact the workplace. The same rule applies if the relationship terminates.
- Both parties must maintain professional boundaries between personal and workplace interactions, meaning they do not have exchanges that are distracting or inappropriate. This applies to working hours and non-working hours such as eating periods, breaks, etc.
- Dating must be disclosed if there is a reporting relationship between parties. For example, a new hire reports to a more senior employee.

Whistleblowing

A whistleblower is an employee who reveals information about a company's illegal activities to either an internal or external source. Employers should implement a policy in case an employee makes false allegations about fellow employees or company activities. This is to make it clear that all allegations are taken seriously, and disciplinary action will be taken against anyone making false claims or retaliating against someone who makes a claim in good faith. Employers should appoint a person who employees can make reports to, ensure that reports will be kept confidential, and state the process for investigations and follow up action.

Teleworking

In light of the COVID-19 pandemic, many employers may provide an option for their employees to work from home. Employers should explain the protocols for teleworking such as getting set up with *Zoom* or other required software, specific hours the employee should be available for calls and meetings, and expectations around work and breaks.



Benefits

Health Care

Offering benefits to employees helps attract workers to the company and helps with employee retention. It also allows you to stay competitive with other companies in your industry. The employer should clearly communicate the benefits they offer and who qualifies for those benefits. For example, if full-time and part-time employees qualify, if an employee must have worked for a certain period of time before receiving

benefits, etc. Listed below are some examples of medical Group Health Plans you can provide:

- ☐ Ontario Health Insurance Plan (OHIP)
- ☐ Ontario Blue Cross
- ☐ Dental Care
- ☐ Extended Health (includes eye examinations, physiotherapy, etc.)
- ☐ Life Insurance, Dependent Life Insurance
- ☐ Short-Term and Long-Term Disability

Providing these benefits to your employees will incur additional costs beyond your employee's wages. We suggest you do additional research to find quotes for these benefits, and/or talk to other small businesses to find out where they get benefits from and how much they cost. If you search online for *'health care plans for small businesses in Ontario'* there are many insurance companies that will provide you with information about their services and provide quotes.

Retirement

Some employers will provide a group Registered Retirement Savings Plan (RRSP), through which the employer matches the employee's contributions (typically 3-5%). Employers can partner with a Group RRSP administrator and contributions will be made by payroll deductions.



Workplace Facilities

It is important for employers to ensure there is a shared understanding among their employees about workplace facilities in terms of their location and rules for use. For example

- Fire Extinguisher/First Aid Kits
- Washrooms
- Lunchroom and vending machines
- Individual workstations—rules about appropriate pictures, music listening, etc.
- Meeting rooms—booking rooms, appropriate uses, etc.
- Office supplies
- Spaces for nursing mothers

As HR best practice, employers should provide a workplace map to all employees with key locations. Below is an example of a workplace's first aid kit location:



Additional Resources:

- Ontario Employment Standards Act, 2000
<https://www.ontario.ca/laws/statute/00e41>
- Ontario Provincial Ministry of Labour
<http://www.labour.gov.on.ca/>
Employment Standards Inquiries: 1-800-531-5551
Occupational Health & Safety Inquiries: 1-800-268-8013
- Ontario Human Rights Commission
www.ohrc.on.ca
1-800-387-9080
- Workplace Safety & Insurance Board
<http://www.wsib.on.ca/>
1-800-387-0050
- Canadian Centre for Occupational Health and Safety
<http://www.ccohs.ca/>
1-800-668-4284
- Indigenous Business Development Toolkit
<https://www.ontario.ca/document/indigenous-business-development-toolkit>
- Federal Economic Development Agency for Southern Ontario - Small Business Services
<https://sbs-spe.feddevontario.canada.ca/en>
- Business and industry
<https://www.canada.ca/en/services/business.html>

Part 2: HR Best Practices and Tips for Small Businesses



Recruiting, Hiring and Onboarding

Staff Planning

Steps of the Hiring Process

1. Write a Job Description
 - (See template in Appendix)
2. Post Job Advertisement
 - LinkedIn, Indeed, Company Website, Job Boards, etc. (see more suggestions under 'Finding Qualified Candidates')
 - Include job description and application form (if using- see Appendix for template)
3. Screening Applications
 - Review application forms first to screen out applicants who definitely do not meet the job requirements.
 - Read covers letters to determine whether an applicant may be a fit or not.
 - Review resumes/CVs to sort into piles of qualified, potentially qualified, and not qualified.
 - From here, compare the top applicants against one another. Consider: highest level of education, professional experience, non-professional experience, technical and transferrable skills, patterns in work experience, work samples, spelling or grammatical errors, format of resume/CV, any missing information.
4. Interviews
 - A good rule of thumb is choosing three to six applicants to interview. Only interview people that you would want to hire.
 - Choose an interview schedule and reach out to applicants to suggest a time.

- Prepare interview questions in advance and review and bring the application of each applicant before their interview.
- Take notes during the interview.

Finding Qualified Candidates

Depending on where you're looking to hire, for example in a remote community, sometimes you may only receive a small pool of applications. Listed below are some websites you can use to post job advertisements on, and the more locations you post to, the more applications you are likely to receive.

- Your company website
- LinkedIn.com
- Indeed.com
- Job Bank.gc.ca
- Eluta.ca
- Eco Canada.ca
- Robert Half.ca
- CareerBuilder.ca
- Jobboom.com
- Glassdoor.ca
- Monster.ca
- SimplyHired.ca
- ZipRecruiter.com
- Workopolis.com
- Ontario.ca – Jobs and Employment page

Additionally, you could consider outsourcing certain positions using virtual assistance. A virtual assistant is someone who works remotely providing assistance to employers, usually with administrative tasks. Listed below are some websites that can help you find a virtual assistant.

- Virtual Gurus.com
- The Canadian Association of Virtual Assistants (canadianava.org)
- Virtual Assistant Canada.ca
- Canada's Virtual Assistant.com
- Upwork.com
- Line One.ca
- UpCity.com

You can also look for upcoming job fairs and recruitment events where you can set up a booth and talk to potential candidates about opportunities within your business.

Application and Interview Process

Interview Question Dos' and Don'ts'

Do:

- Focus on learning about the applicant's experience, skills and personality that will affect their ability to perform the job.
- Ask open-ended questions. For example, ask how the applicants previous work experience would help them do their job better, rather than ask what their previous work experience is.
- Let the interviewee do most of the talking.
- Listen carefully to what each applicant has to say throughout the entire interview.
- Provide a safe, comfortable environment to hold the interview in

Questions you could ask:

- ☐ Tell me about yourself. Do you have any hobbies?
- ☐ Why should we hire you?
- ☐ Have you ever done this kind of work before?
- ☐ What do you know about our company?
- ☐ Why do you want to work in our company?
- ☐ What are your strengths? What are your weaknesses?
- ☐ Why do you think that you are a good fit for this job?
- ☐ What personality traits do you have that make you successful?
- ☐ What are your long-term goals?
- ☐ Do you prefer working with others or by yourself?
- ☐ Are you able to operate equipment such as **insert equipment they would be using for the job**?
- ☐ How do you work under pressure or on tight deadlines?
- ☐ Why did you decide to enter this field of work?
- ☐ How do you typically handle a conflict?
- ☐ Tell me about a time when you needed to change your own work style to complete a task with co-workers?
- ☐ Tell me about a time when you had to compromise. How did you do it?
- ☐ Tell me about one thing you will work towards doing better in this job than you did in the last one and why?
- ☐ When are you available for work?
- ☐ How much salary do you expect?
- ☐ What type of schedule are you looking to work?
- ☐ Do you have any questions for me?

Don't:

- Pass judgement on an applicant too early.
- Be too concerns if an applicant appears nervous unless it may affect their ability to perform the job (for example, performing cold sales calls).

- Ask leading questions. These types of questions only lead to answers the applicant thinks you want to hear.

Questions you should NOT ask:

- ☐ Are you single, married, divorced, engaged, separated?
- ☐ How old are you?
- ☐ Are you pregnant or do you plan to have children?
- ☐ What does your partner do for work?
- ☐ What is your ethnicity?
- ☐ Can you provide proof of citizenship?
- ☐ What are your religious beliefs or affiliations?
- ☐ Do you have a disability, limitations, or any health problems?
- ☐ Do you drink or use drugs?
- ☐ Have you ever received psychiatric care or struggle with mental health?
- ☐ Have you ever received workers compensation?
- ☐ What is your sexual orientation?
- ☐ How many children or dependents do you have?
- ☐ What are your political views?

New Hire Checklist

When a new employee is hired, you want to ensure that you provide them with the tools and information to allow them to successfully perform their job duties and feel comfortable in the workplace. We have provided a checklist for you to follow below:

Prior to the first day of work:

- ☐ Send your new hire an email containing all the information they need to know as they start their new job, such as where, when, and who to report to.
- ☐ Order any supplies the new hire will need to perform their job duties, such as name tags, computer, phone.
- ☐ Prepare a list of contact information to give to the new hire such as the names and duties of their co-workers and the employer.
- ☐ Prepare and schedule any training or orientation program that your new hire will be receiving.

On the first day of work:

- ☐ Greet the new hire and show them their workspace.
- ☐ Introduce them to their co-workers and give them the contract information list you prepared.
- ☐ Give them a tour of the office along with the office map of the workplace facilities.
- ☐ If it hasn't been done yet, get the new hire to sign their terms of employment and gather all the personnel information you need from them.

- ☐ Meet with them to discuss all workplace policies. Provide them with your handbook if you have one.
- ☐ Ensure they are set up with all software and online systems that they need access to.

Within the first week

- ☐ Schedule a meeting with the new hire and other employees who will be working together to discuss job responsibilities.
- ☐ Schedule a meeting with the new hire and employer to check in and answer any questions they may have.
- ☐ Get the new hire set up on your payroll system

Offer of Employment or Rejection

Rejection Letter

It is considered HR good management to send unsuccessful candidates a rejection letter which is usually brief. *See Appendix for a template.*

Letter of Offer

Once you found the best candidate, a Letter of Offer is sent to the candidate which should include basic terms such as hourly wages or salaries, probationary period, work schedule, and other key factors. *See Appendix for a template.*

Probationary Period

Employers use probationary periods for new hires and internal employees that have been transferred or promoted. The period provides employers with the opportunity to assess whether the employee will be a good fit for their new position. It also allows the new hire to determine workplace and job suitability. Here is what you should know:

- The probationary period terms should be outlined in the employment agreement
- The probationary period may be extended, but there must be a valid reason and this reason must be in writing
- The probationary period typically includes orientation and training for the employee and more frequent performance check-ins. A special effort should be made to make sure the standards and duties of the job are communicated and being learned.

New Employee Information

You will need to collect personal information from all your employees for payroll, personnel files, and other record-keeping requirements outlined in Part 1. See *Appendix for a template*.

Termination Procedure

Employee Termination Letter

Employers should ensure they follow all legislation and policies regarding termination as outlined in Part 1. See *Appendix for a template*.

Exit Interview Questions

- ☐ What are your reasons for leaving our company?
- ☐ What did you like about your position?
- ☐ What did you least like about your position?
- ☐ Did you think you got enough training for your job?
- ☐ What do you suggest to make our workplace run better?
- ☐ Were you satisfied with your salary and benefits?
- ☐ What did your supervisor do that helped you with your job performance?
- ☐ Is there anything your supervisor could have done differently to help you with your job performance?
- ☐ Would you consider coming back to your company again?
- ☐ Further comments?



HR Management

Performance Reviews

Employers should consider conducting performance reviews to help motivate and encourage their employees. Performance reviews help employees continue to learn and develop new skills, therefore allowing them to become more proficient and help them excel at their job. Listed below are steps you can take to guide your performance review process.

1. Decide how often to conduct performance reviews. An annual basis is usually recommended.
2. Ensure the needs of the employees are being met. Confirm the employees understanding of the job and expectations of them.
3. Give feedback on the employee's strengths and what they have been doing well, then discuss areas they can improve in.
4. Provide the employee with the opportunity to give the employer feedback and ask questions.

5. If an employee is not meeting expectations, consider using formal a Performance Improvement Plan (PIP). A PIP ensures a fair process for everyone, provides clear goals and timelines, and that the employee understands the consequences if their performance doesn't improve.

See Appendix for a Performance Review template.

Reporting Misconduct and Conflict Resolution

To ensure that employees feel safe and respected, the employer should develop a policy and implement a procedure for reporting incidents or complaints of workplace misconduct, such as harassment, discrimination, and violence. The policy should indicate how to report an incident or complaint and how it will be investigated and dealt with. It should also ensure there is more than one person an employee can report an incident or complaint to, in case the appointed person is the one whom the report is being made against. *See Appendix for a template.*

Progressive Discipline for Employee's Work Performance

When dealing with problems caused by the performance of an employee, it is best practice to i) act early before it becomes a pattern, ii) be fair by articulating job expectations, iii) improve employee's performance by providing clear instructions, and iv) try to solve the underlying problem before it gets to dismissal stage.

There are two kinds of employee problems that employers could face:

Incompetence – whereby the employee lacks the skills or ability needed for the job

Or

Misconduct – whereby the employee breaches rules for keeping the workplace efficient and/or safe

By applying the progressive discipline process which attempts to correct poor work performance, it will be the basis of the employer's defence if an employee files a complaint of unjust dismissal.

Dealing with Incompetence

If the employee lacks the skills needed to do the job, then you must speak with the employee in person to clarify job expectations and inform them what will happen if there is no improvement. If there is no improvement, then assess if the employee has the skills to do the job. If the skills for the job are lacking, then provide some training and supervision and allow some time for progress. Then reassess whether

dismissal is warranted. Lastly, always keep written records with dates of meetings with employees, their training sessions, warnings, and performance reviews. The following is a progressive checklist for dealing with incompetence:

- ☐ Set out clear, reasonable job expectations in company policy
- ☐ Communicate clearly job expectations to all employees
- ☐ Bring unacceptable work to the attention of the employee promptly
- ☐ Provide reasonable supervision, training and instruction
- ☐ Give reasonable warning that failure to meet these expectations could result in dismissal
- ☐ Allow for time and opportunity to meet the job expectations
- ☐ As a final step in the process, if no improvement, dismiss the employee
- ☐ Keep complete written records

Dealing with Misconduct

Employers must decide if the misconduct of the employee is minor or severe, which depends on factors such as:

- Seriousness and/or frequency of the problem
- Employee's work history
- Effect on the organization

If the employee misconduct is considered severe, then the employer may have just cause to fire the employee. If this is the scenario that the employer is facing, it best to consult an HR specialist. If the misconduct is minor, then it best to collect all facts around the misconduct, then speak to the employee in person to listen to their views. When meeting with the employee, it is best to review the job expectations and outline the consequence if these expectations are not met. Once again, it is critical to keep written records of these activities in the event you have to suspend or dismiss the employee. The following is a progressive checklist for dealing with misconduct:

- ☐ Give the employee the opportunity to tell his/her story about the misconduct
- ☐ Collect all the relevant facts surrounding the misconduct

- ☐ Give a verbal warning
- ☐ Give a written warning
- ☐ Suspend the employee
- ☐ As a final step in the process, dismiss the employee
- ☐ Keep complete written records

COVID-19 Policy Considerations

Given the continuous changes with COVID-19 pandemic and the associated public policies, employers are advised to directly consult government websites for regulatory requirements, public health units for local guidance, and industry association best practices for workplaces. Businesses may choose to implement a company policy surrounding COVID-19 vaccinations. Listed below is a checklist of topics you could include in the policy.

- ☐ Whether or not staff and visitors must be fully vaccinated to enter the workplace Premises.
- ☐ Provide a definition of an 'Accepted COVID-19 Vaccine': A COVID-19 vaccine that has been approved for use by [Health Canada](https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines.html)²⁶ and/or the [World Health Organization](https://www.who.int/news-room/questions-and-answers/item/coronavirus-disease-(covid-19)-vaccines)²⁷.
- ☐ Provide a definition of 'Fully Vaccinated': Having received the completed series of an Accepted COVID-19 Vaccine. A person is considered fully vaccinated 14 days after receiving their completed dose.
- ☐ Outline your 'Grace Periods': The period of time before a person can enter the Premises after receiving their second dose of an Accepted COVID-19 Vaccine.
- ☐ Requirements for providing Proof of Vaccination
- ☐ Exemptions to Being Vaccinated
 - i. Medical exemption. Grounds to be exempted from getting a COVID-19 vaccine based on the risk of substantive injury and/or disability.
 - ii. Creed/religion exemption. Grounds to be exempted from getting a COVID-19 vaccine based on an established creed or religion. *(Note: In its September 22, 2021 Policy Statement, the Ontario Human Rights Commission stated that "while the Code prohibits discrimination based on creed, personal preferences or singular beliefs do not amount to a creed for the purposes of the Code.")*

²⁶ <https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines.html>

²⁷ [https://www.who.int/news-room/questions-and-answers/item/coronavirus-disease-\(covid-19\)-vaccines](https://www.who.int/news-room/questions-and-answers/item/coronavirus-disease-(covid-19)-vaccines)

- ☐ Vaccination rules for visitors
- ☐ State that this Policy and all workplace activities will continue to be subject to federal, provincial, and local public health regulations related to the COVID-19 pandemic.
- ☐ State that public health guidelines on fully vaccinated, partially vaccinated, and unvaccinated individuals may continue to change and therefore this Policy may change.
- ☐ State that employee's personal health information such as proofs of vaccination or exemption to being vaccinated collected by the employer will be kept confidential and only used for the purposes of containing the transmission of COVID-19.
- ☐ State that staff who make false attestations or provide false documents about being vaccinated may be receive disciplinary actions up to and including termination.
- ☐ Indicate how employees can apply for a Creed/Religious Exemption:
 - i. Explain in writing why they are unable to be vaccinated because of religion/creed. Provide background information on their religious belief/creed and connect the religious belief/creed to the reason they are requesting an exemption from the Policy.
 - ii. Provide supporting documentation published by religious leaders or others practicing their religion/creed; or provide a letter from religious leaders.
 - iii. Submit their letter to the employer.
- ☐ Indicate how employees can apply for a Medical Exemption:
 - i. Obtain and provide a COVID-19 Medical Exception Letter.
 - ii. Submit the Exception Letter to the employer
- ☐ The accommodations that will be made for Staff with an Approved Exemption to being Vaccinated.

HR Standards Checklist

You can use the following checklists to ensure you have implemented the topics covered in both Part 1 and Part 2 of this HR Guide.

PART 1

- ☐ Have you selected a Health and Safety representative/committee?
- ☐ Do you have a Health and Safety training program in place for employees?
- ☐ If you have Hazardous Materials at the workplace, are you following the WHMIS regulations?
- ☐ Have you determined whether you need to register your business for WSIB coverage?
- ☐ Do you have a COVID-19 Workplace Health and Safety Plan in place?
- ☐ Is your workplace following the accessibility requirements of the AODA?

- ☐ Have you provided training on the AODA and Human Rights Code to all your employees?
- ☐ Do you have a written Workplace Violence Policy in place and is it posted somewhere visible in the workplace (only if you have more than 5 employees)?
- ☐ Have you provided workplace violence training to your employees?
- ☐ Have you conducted a risk assessment to determine risk of violence in the workplace?
- ☐ Are you following your Duty to Accommodate as an employer?
- ☐ Do you have the required postings up in the workplace?
- ☐ Do you have an Impairment and Substance Policy in place?
- ☐ Are you adhering to PIPEDA's principles?
- ☐ Have you set up a payroll system, either with a third-party administrator or by hiring someone who has been training in accounting and understands the payroll deductions that are required by the government?
- ☐ If you are an Indigenous employer and/or business, have you been given any tax advice?
- ☐ Do you have a system in place for keeping personnel files and records (or does your third-party payroll administrator do this)?
- ☐ Have you collected all personal information required from your employees?
- ☐ Are your employees aware of what you consider "work time"?
- ☐ Are your employees aware of their eating periods and break allotments?
- ☐ Are you aware of how many hours your employees are working in a week, so they aren't working more than the maximum number hours?
- ☐ Do you have systems in place to ensure your employees aren't working overtime (unless you have arranged for them to do so)?
- ☐ Are you paying your employees more than minimum wage?
- ☐ If you are an Indigenous employer and/or business, have you looked into getting advice about taxes and tax exemptions?
- ☐ Do you understand the rules around vacation time and pay?
- ☐ Do you have a system in place to keep track of your employee's vacation time and pay?
- ☐ Are your employee's aware of all public holidays?
- ☐ Do you have a system in place to allow employees to work on public holidays and be paid accordingly?
- ☐ Are you aware of all Legislated Leaves of Absence your employees are entitled to take?
- ☐ Have you provided a clear definition of "family" when it comes to taking leaves of absences?
- ☐ Will you be allowing your employees to take leave for traditional activities, and are they aware of this?
- ☐ Do you have a termination procedure in place?
- ☐ Is there a Code of Conduct in place?
- ☐ Have you implemented a policy on attendance and breaks?

- ☐ Are your employees aware of which expenses they do or do not have to pay for?
- ☐ Do you have a system in place to reimburse employees for work expenses?
- ☐ Have you developed a policy on confidential information and intellectual property?
- ☐ Have you developed a policy on conflict of interest and non-solicitation?
- ☐ Have you developed a policy on the use of company equipment and personal activities?
- ☐ Have you developed a social media policy?
- ☐ Have you posted the mandatory signs required by the SFOA in a visible location?
- ☐ Have you developed a policy on dating co-workers, whistleblowing, and teleworking?
- ☐ Do you have any benefits in place for your employees?
- ☐ Are your employees aware of the location of all workplace facilities?

PART 2

- ☐ Have you developed job descriptions, or have they been recently updated?
- ☐ Do you have an employment application form in place?
- ☐ Does your application form ask if applicant needs accommodation (AODA)?
- ☐ Have you indicated whether or not you require applicants to submit references?
- ☐ Have you posted job advertisements on multiple job boards?
- ☐ Do you have a standardized procedure for screening applications, free from bias and discrimination?
- ☐ Have you selected a reasonable number of applicants to interview?
- ☐ Have you reached out to applicants to schedule an interview date and time?
- ☐ Have you prepared interview questions in advance?
- ☐ Have you checked the references of applicants that I have selected to interview (if you requested references)?
- ☐ Do you have a standardized procedure for screening applicants that have been interviewed, , free from bias and discrimination?
- ☐ Have you sent rejection letters to unsuccessful candidates?
- ☐ Have you sent a letter(s) of offer to successful candidates?
- ☐ Have you determined a probationary period for new employees and is it written in their employment contract?
- ☐ Have you collected personal information forms from your new employee(s)?
- ☐ Have you prepared for the new employee(s) first day of work?
- ☐ Have you checked in on your new employee(s) after their first few days/ week of work?

- ☐ Is there a procedure in place for exit interviews?
- ☐ Are there procedures in place for conducting performance reviews of employees?
- ☐ Do you have a system in place for employees to report misconduct and for conflict resolution?
- ☐ Do you have a system in place for dealing with employee incompetence and misconduct?
- ☐ Is there a COVID-19 policy in place specific to your workplace?
- ☐ Have you set a date to review your HR documents and procedures next?

Best Practices



Seek out other businesses, big or small, in a similar industry to ask them any additional questions you may have. They may have insight into which payroll companies to use, benefit programs, and other tips and tricks.



It may be a good idea to seek out a lawyer and/or HR specialist for advice and to have on hand in case an incident arises with an employee. Their services are costly, but there are people out there who can help in these type of worst-case scenarios.



If you do seek out a lawyer, have your questions ready at hand and move through them quickly because you do get the first half-hour of advice free, after which they begin to charge you.

Annual HR Document Update

Employers should plan to review their HR policies, documents, procedures, and training on an annual basis at the least. This is to ensure changes to employment legislation are updated in our policies and followed accordingly. It also holds the employer accountable to follow and remain consistent with their HR policies.

APPENDIX



Part 1 – Checklists

Prevention of Workplace Harassment, Discrimination and Violence

The policy must:

- ☐ be reviewed as often as necessary and at least annually
- ☐ define harassment and sexual harassment as stated in OHSA
- ☐ include a commitment from the employer to address workplace harassment
- ☐ state that the policy applies to all employees and addresses all types of harassment
- ☐ state that it is the employer's job to investigate incidents and complaints, and employees will not be penalized for making a report or participating in an investigation

The training program must:

- ☐ be developed and reassessed in consultation with the occupational health and safety committee or representative
- ☐ include procedures for employees to report incidents to a person other than the employer, if the employer is the alleged harasser
- ☐ state how incidents and complaints will be investigated and dealt with, and that information about the individuals involved will not be disclosed unless necessary for the investigation, for corrective action, or if required by the law
- ☐ state how an employee will be informed of the results of an investigation and the corrective action to follow
- ☐ be repeated when there is a significant change to the workplace policy or if incidents occur

Impairment and Substance Policy

- ☐ Create a list of behaviours that warrants suspected impairment, such as slurred speech, watery or red eyes, lack of balance and ability to walk straight, odour of drugs, cannabis, or alcohol, dilated pupils, unusual behaviour.
- ☐ Seeking out a second opinion about whether the suspected employee is impaired.
- ☐ Employer attempts to meet privately with the suspected employee to discuss the suspicion.
- ☐ Employer having the ability to decide if an employee is unfit for work if the suspicion of impairment is substantiated by another employer or employee.
- ☐ Sending the impaired employee home safely in a taxi or other means of transportation but will not be allowed to operate a vehicle themselves. The employer has the right to contact the Police if the employee does not cooperate with being sent home.
- ☐ If the impairment appears dangerous to the employee's health, the employer will call an ambulance or bring them to the nearest hospital.
- ☐ Scheduling a meeting the next day to discuss the incident and any disciplinary action.
- ☐ Stating that being impaired at the workplace might lead to disciplinary action and potential termination with Just Cause.
- ☐ Stating that an employee will not be disciplined for asking the employer for communicating their substance dependency to them and that all related information will be kept confidential.

Payroll Set-Up

The following checklist includes the basic information you will need to have in order to set up payroll for your business. This checklist is not exhaustive, and you may need to provide additional information depending on the type of business and employees.

Information about the Business:

- ☐ Business Name and Address
 - The address at which your business is located (street number and name, city, province, postal code, and phone number).
- ☐ Business Number (BN) and CRA Payroll Account Number
 - You will need to register your business through the CRA, and they will provide you with a BN and CRA Payroll Account Number. This can be done [online¹](#), over the phone, by mail or fax.
- ☐ Remittance Schedules and Tax Rates
 - Information about how to determine your Remittance Schedule and Tax Rates can be found [here²](#).
- ☐ The Business' Bank Account Details
 - This information can be found on a void cheque (see image on the right)
- ☐ Pay schedule- weekly, bi-weekly, etc.
- ☐ The payroll software or service you intend to use (unless you choose to administer your own payroll).
- ☐ Workers Compensation Information (WSIB)
 - If you are registered with WSIB. See section on Benefits for information about WSIB.

Information about Employees:

- ☐ Full Name
- ☐ Date of Birth
- ☐ Social Insurance Number (SIN)
- ☐ Direct Deposit Information
- ☐ Home Address
- ☐ Email Address
- ☐ TD1 forms
 - These are used to find the amount of tax that will be deducted from the employee's income and can be found [here³](#).

¹ <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/registering-your-business/bro-register.html>

² <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/remitting-source-deductions/how-when-remit-due-dates.html>

³ <https://www.canada.ca/en/revenue-agency/services/forms-publications/td1-personal-tax-credits-returns/td1-forms-pay-received-on-january-1-later.html>

Transition and Exit

- ☐ Ask the employee to document their job procedures before their last day of work so you can better assist the next employee to take on that job.
- ☐ Disable the employee's access to company files, websites, and passwords.
- ☐ Cancel the employee's email account. However, consider providing an auto-reply email for a length of time after their departure which indicates that the employee is no longer with the company but can be contacted at another e-mail address.
- ☐ Remove the employee from company benefits and insurance.
- ☐ Ask the employee to participate in an exit interview. Exit interviews are beneficial for employers because they offer insight into what you are doing well and what you can improve at. Exit interviews should be voluntary and are typically done with employees who have resigned from the business or whose terms have ended, rather than with employees that have been terminated. In section 2 we have provided a list of potential exit interview questions. See Part 2 for exit interview question suggestions.

Code of Conduct

- ☐ Information about the businesses:
- ☐ background and history
- ☐ vision and mission
- ☐ values and ethical principles
- ☐ compliance with workplace policies and procedures
- ☐ compliance with federal and provincial policies and procedures

Confidential Information and Intellectual Property

Confidential Information:

- ☐ Which information that is considered confidential
- ☐ From whom this information is confidential from and should not be shared with
- ☐ Indicate if the information is confidential after employment has ended, and for long it must be kept confidential for
- ☐ Which employer the employee should ask should they have any questions about confidential information
- ☐ Disciplinary action that may be taken if the policy is not adhered to

Intellectual Property:

- ☐ Whether everything an employee create, develop, and work on is intellectual property that belongs to the company or if there are any exceptions
- ☐ That an employee will not bring intellectual property of a previous employer, company, or client to the company.

Conflict of Interest and Non-Solicitation

- ☐ A list potential situations that would be a considered a conflict of interest. For example, an employee engaging in a business similar to your company or one that competes with your company.
- ☐ Whether or not an employee must disclose the activities they are engaging with that could be viewed as a conflict of interest. Explain the process for disclosing potential conflicts of interest and how they will be dealt with.
- ☐ Whether or not an employee can solicit customers, suppliers, services, or stakeholders that your company is currently engaged with. It should state how long after employment ends until the employee is allowed to solicit.

Use of Company Equipment and Personal Activities

- ☐ Rules surrounding employee's use of company computers or other electronic devices, such as accessing their personal accounts or downloading personal files, photos, audio, etc.
- ☐ Maximum time allowed for personal activities throughout a regular workday. Stating that this time must not interrupt regular business operations or deadlines.
- ☐ Rules surrounding personal mobile device use such as turning ringer off while at work or during meetings and using camera for video or audio recordings.
- ☐ If an employee is supplied a phone at work, indicate whether they are allowed to use it for personal calls or work calls only.
- ☐ Rules surrounding use of office supplies, printers and scanners, company vehicles, and any other company-owned equipment that employees are permitted to use.
- ☐ Instruction and training for using equipment that could be potentially dangerous.





Part 2 – Templates

Job Description

There are many advantages of writing a job description such clearly communicating the job expectations, determining level of responsibilities, qualification, and compensation, and deciding how orientation, onboarding, and if further training will be needed.

Position Title:	
Company Name:	
Date:	
Who We Are:	Provide a summary about the nature and purpose of the company.
Job Description:	Provide a brief description of the purpose of this job within the company. 1-2 sentences.
Duties and Responsibilities:	Identify the main duties and responsibilities that will be performed in job. Use action verbs such as “performs, monitors, plans, delivers, analyzes, answers, sells”. Include a statement at the end that gives you flexibility to change and update duties.
Qualifications and Requirements:	List the necessary qualification needed to take on the job, such as education, language, experience, certifications, skills, knowledge.
Working Conditions:	Describe the general working conditions such as hours, location, attire, and any physical demands. Indicate whether employees will be required to do a criminal record check.
Salary and Benefits:	Indicate the starting salary or pay range and any benefits you will be offering for the position. Be clear about whether the salary is fixed or hourly and if it is dependent on experience.
Contact:	Provide a contact name and email and/or phone number to whom employees can ask questions and send their application to.

Employment Application Form

Application forms can be useful if you are attending a job fair, or other in-person recruitment events. It is recommended that you request resumes from candidates when you are actively seeking new employees.

Full Name:
Main Phone:
Email:
Full Address:
How did you hear about our company?
Type of Employment Seeking:
Form of Employment Seeking: <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Full or Part Time
Availability to work in hours per week:
When can you start?
Please send your resume to info@companyemail.com

Rejection Letter

Hello (Applicant),

Thank you for your interest in the [Position] with our company. We know it takes time to research our company and submit an application. There were many who applied for the position, and we regret to inform you that we will not be moving forward with your application.

We wish you the best in your future endeavors.

Sincerely,

(Employer's signature)

Letter of Offer

Offer of Employment	Provide a written offer of employment.
Probation Period	Clearly outline the terms of the probation period. State the duration and terms of employment during this period. Describe any training the employee will be receiving.
Compensation	Clearly outline the compensation that the new employee will be receiving.
Vacation	Outline vacation terms.
Work Schedule	Describe the work schedule and hours.
Nature of Employment	Outline nature of employment (contract, part-time, full-time, permanent). Outline any benefits the employee is entitled to.

New Employee Information Form

Employee Information

Employee Title: _____ Employee Supervisor: _____

Start Day: _____ Hourly Wages/Salary: _____

Main Phone: _____ Cell Phone: _____

Personal Information

Full Name: _____

Address: _____

Date of Birth: ____/____/____

Social Security Number: _____

Gender:

- ☐ Male
☐ Female
☐ Prefer not to say

Home Phone: _____ Home Email: _____

Emergency Contact

Full Name: _____

Relationship to Employee: _____

Main Phone: _____

Address: _____

Employee Signature: _____ Date: _____

Letter of Termination

(Date)

(Employee Name)

(Employee's Address)

To (Employee),

Your employment with our company will be terminated effective immediately or date of termination. The reason for your termination is _____.

In lieu of the Employment Standards Act, we will calculate the wages for the pay-out which will include all work wages earned up to and include (day/month/year) less all mandatory employment related costs and deductions.

Respectfully,

(Employer)

(Employer's Signature)

Performance Review

Employee Name: _____

Job Title: _____

Date of Review: _____

Ability to perform job duties and responsibilities:

1 2 3 4 5 6 7 8 9 10

Ability to work cohesively with others:

1 2 3 4 5 6 7 8 9 10

Communication skills:

1 2 3 4 5 6 7 8 9 10

Demonstrates leadership skills:

1 2 3 4 5 6 7 8 9 10

Quality and consistency of work:

1 2 3 4 5 6 7 8 9 10

Employee Strengths:

Suggested Areas of Improvement:

Performance Reviewed By:

Name: _____

Job Title: _____

Reporting Misconduct and Conflict Resolution

Reported by: _____	Date of Report: _____
Date of Incident: _____	Time of Incident: _____
Location of Incident: _____	

Persons Involved: _____	

Witnesses: _____	

Description of incident, including any events leading up to or immediately after the incident: _____	

Additional explanation of events and circumstances: _____	

Resulting action recommended and/or already established: _____	

Employee Name: _____ Employee Signature: _____	
Date: _____	



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Human Resources Guide for Small Businesses



Community Futures Development Corporation
Société d'aide au développement des collectivités