

## **What are the Employment Standards: Your rights and responsibilities**

### **What is Employment Standards?**

Employment Standards is a government program under Manitoba Family Services and Labour. It administers laws on minimum wages, hours of work, holidays and other workplace entitlements and responsibilities. The program enforces *The Employment Standards Code*, *The Construction Industry Wages Act*, *The Remembrance Day Act*, *The Worker Recruitment and Protection Act* and *The Retail Businesses Holiday Closing Act*. It also investigates complaints about violations of these laws.

### **Are all workers covered by The Employment Standards Code?**

No, *The Employment Standards Code* covers about 90% of employees in Manitoba. For more information see the [Who is covered by The Employment Standards Code](#) page.

### **What is the minimum wage?**

As of October 1<sup>st</sup>, 2013, minimum wage is \$10.45 per hour in most industries.

### **How often must employees be paid?**

Employees must be paid at least twice a month and within 10 business days of the end of a pay period.

### **When are employees entitled to be paid overtime?**

Overtime can only be worked when employees agree and employers approve the work. Generally, employees must be paid 1 ½ times their regular wages for time worked over 8 hours in a day and 40 hours in a week. For more information regarding overtime see the following pages;

- Overtime
- Overtime – incentive pay employees
- Overtime exemption – employees who perform management functions primarily
- Overtime exemption – employees who substantially control their hours of work

## When are employees entitled to breaks?

Employees are entitled to a 30 minute unpaid break after every five hours of work.

Employees are also entitled to at least one day of rest per week.

For more information on breaks and a day of rest see the [Hours of Work and Breaks](#) page

## Do employers need to provide transportation to or from work?

If an employer's place of business and an employee's residence are located within the boundaries of the same city or town, the employer must provide the employee with adequate transportation between the residence and the workplace when the employee's shift begins or ends between 12 midnight and 6:00 a.m.

## What are the general holidays in Manitoba?

There are eight general holidays throughout the year:

- New Year's Day
- Louis Riel Day (3<sup>rd</sup> Monday in February)
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

Most employees are paid general holiday pay for these days whether they work or not.

<b>General Holiday</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
New Year's Day	January 1	January 1	January 1
Louis Riel Day	February 18	February 17	February 16
Good Friday	March 29	April 18	April 3
Victoria Day	May 20	May 19	May 18
Canada Day	July 1	July 1	July 1
Labour Day	September 2	September 1	September 7
Thanksgiving Day	October 14	October 13	October 12
Christmas Day	December 25	December 25	December 25

## What if employees work on the general holiday?

Employees who work on a general holiday are normally entitled to 1 ½ times their regular rate of pay for the hours worked on the day, in addition to their general holiday pay.

## When can employees take vacation?

Employees are eligible for vacation once they have completed one year of work and must take their vacation within 10 months of it being earned. Employees and their employers can agree on when vacation will be taken.

After completing one full year of service employees are entitled to two weeks of vacation. For their vacation they are to be paid 4% of their regular earnings in the qualifying year. They must take their vacations within ten months of their anniversary date.

After completing five years of service, employees are entitled to three weeks of vacation. For their vacation wages they are paid 6% of their regular earnings in the qualifying year.

For more information on vacations and vacation pay see the page on [Vacations and Vacation Pay](#).

## How old must a person be to work?

People under 16 years of age require a permit from the Employment Standards before they can work. Children under 12 years of age are only issued permits in special circumstances.

People under 18 years of age are prohibited from:

- working in forestry
- working in saw or pulp mills,
- working in confined spaces underground in a mine or on the face of open pit quarries
- removing asbestos.
- working alone from 11:00 p.m. to 6:00 a.m.

People under 16 years of age are prohibited from:

- working on construction sites
- working on drilling or servicing rigs
- working on scaffolds or swing stages
- working in industrial or manufacturing processes
- pruning, repairing, maintaining or removing trees.
- working more than 20 hours per week during school.
- working between the hours of 11:00 p.m. and 6:00 a.m.

More information on employment permits and employment of young people can be found on the [Young Employees](#) page.

## **Do employees need to give notice of termination?**

Yes. The amount of notice depends on how long the employee has been employed by the same employer:

Period of Employment	Notice Period
at least 30 days but less than one year	one week
at least one year	two weeks

## **Do employers need to give notice of termination?**

Yes. The amount of notice depends on how long the employee has worked for the same employer.

Period of employment	Notice period
at least thirty days but less than one year	one week
at least one year and less than three years	two weeks
at least three years and less than five years	four weeks
at least five years and less than ten years	six weeks
at least ten years	eight weeks

Employers can either allow the employee to work out this notice period, or pay wages in lieu of notice, for the same number of weeks, or a combination of both

## **For more information contact Employment Standards:**

Phone: 204-945-3352; or toll free in Canada 1-800-821-4307

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E-mail: [employmentstandards@gov.mb.ca](mailto:employmentstandards@gov.mb.ca)

Website: [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including *The Employment Standards Code*, *The Construction Industry Wages Act* and *The Worker Recruitment and Protection Act*, or contact Employment Standards.

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