

## **Frequently Asked Questions 100 – 199**

### **How long must employees work before they qualify for the leave?**

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For leave related to the death or disappearance of a child, leave related to the critical illness of a child, family leave, bereavement leave, leave for organ donation, and leave for a citizenship ceremony, employees must work for the same employer for 30 days to qualify for leave.

For compassionate care leave, long-term leave for serious injury or illness, and domestic violence leave employees must work for the same employer for 90 days. (Domestic violence leave is effective June 1, 2016).

For reservist, maternity, and parental leave, employees must work for the same employer for 7 consecutive months to qualify for leave.

### **Who is eligible for the leave?**

All leaves have specific requirements. For more information on a specific leave, see the fact sheets on our website or contact Employment Standards. Generally, employees must work for the same employer for a qualifying period and provide reasonable notice in advance of the leave.

### **Who is allowed to work on Remembrance Day?**

Most industries in Manitoba are not allowed to operate on November 11. Exceptions include:

- Hospital employees
- Hotel and restaurant employees
- Police, firefighters and security officers
- Power engineers, janitors
- Child care, home care and domestic workers
- Workers who do emergency repairs
- Workers who supply heat, gas, light, water or electrical services
- Workers who transport goods or passengers on railways, aircrafts or motor vehicles (including vehicle rental agencies)
- Workers caring for perishable products or live animals (including animal hospitals)

- Workers in dairy or milk processing plants
- Bakery workers, for baking only
- Employees in continuous operation businesses, (except a retail business)
- Workers in meat packing plants (some restrictions)
- Employees in registered brokerage houses who do business for clients on stock exchanges outside Manitoba
- Workers conducting commemorative or religious services
- Employees at newspapers, telecommunication carriers, television or radio stations and cable companies
- Workers in the farming industry

## **Are retail stores and services allowed to be open?**

Retail businesses may operate on Remembrance Day but cannot be open between 9:00 a.m. and 1:00 p.m.

## **What is a retail business?**

Most businesses that sell goods or services are considered retail businesses. This includes trades people and employees of professional services, rental companies, arenas, and businesses charging admission to performances such as movies, concerts, theatre, exhibits, and sporting events.

## **Can any retail business be open between 9:00 a.m. and 1:00 p.m.?**

No. All retail businesses must be closed during these hours unless they sell or provide:

- Prepared meals or goods and services connected to living accommodations
- Professional health services
- Veterinary services
- Drugs, medicines, surgical appliances, or infant formula
- Gasoline, motor oil, or related products
- Vehicle parts or services for emergency repairs only

## **Are performances allowed?**

Yes. Performances such as theatre, concerts, sporting events and movies are allowed on Remembrance Day except between 9:00 a.m. and 1:00 p.m. They cannot be produced, prepared, or conducted between 9:00 a.m. and 1:00 p.m. unless they are directly related to a Remembrance Day commemorative or religious service.

## **Are employees who do not work on Remembrance Day required to be paid?**

No. While it is a common practice for employers to pay employees who do not work on Remembrance Day, it is not a requirement.

## **When employees work on Remembrance Day, what are they paid?**

Employees who work on Remembrance Day are paid for at least half of a normal work day at 1 ½ times their regular wages. For example, employees who work two hours on Remembrance Day, but normally work an eight-hour day, are paid four hours at 1 ½ times their regular wage. In addition, employees also receive a regular days pay for working on Remembrance Day, or 5% of their gross earnings in the 28 days before Remembrance Day if their hours vary.

Employees who work more than half their normal hours on Remembrance Day are paid 1 ½ times their regular wage for all hours worked, plus a regular days pay.

## **Is there a minimum that employees must be paid for working on Remembrance Day?**

Employees who work on Remembrance Day are entitled to be paid for at least half of a normal work day, at 1 ½ times their regular wages. For example, employees who normally work an eight-hour day, but work two hours on Remembrance Day, are paid four hours at 1 ½ times their regular wage, plus a regular day of pay (eight hours).

Employees who work more than half their normal hours on Remembrance Day are paid 1 ½ times their regular wage for all hours worked, plus a regular days pay.

## **Are employees in all industries paid 1 ½ times their wages for hours worked on Remembrance Day?**

When employees work on Remembrance Day their pay must be calculated in the same way as on a general holiday. In some industries such as gas stations, hospitals, hotels, restaurants, places of amusement, continuously operating plants, climate-controlled agricultural businesses, seasonal industries (excluding construction) and domestic service can receive regular wages for hours worked on Remembrance Day and another day off with pay. See the [General Holiday](#) page for details.

## **What retail businesses can be open on Sundays and general holidays without a by-law?**

The following types of retail businesses can be open:

- Businesses where no more than four people (including the owner) are working at any one time
- Restaurants
- Pharmacies
- Laundromats
- Boat and motor vehicle rental, repair and service shops
- Places with educational, recreational or amusement purposes
- Tourism and recreational facilities including summer resorts
- Other retailers selling nursery stock, flowers, garden supplies and accessories, fresh fruit and vegetables, and gasoline and related goods for motor vehicles

Municipalities can pass a by-law to allow shopping on Sundays and some general holidays at retail businesses not listed. These businesses can be open Sunday shopping hours on Louis Riel Day, Victoria Day, and Thanksgiving Day.

Unless a retail business is included on the above list, it cannot be open on the following days: New Years Day, Good Friday, Easter Sunday, Canada Day, Labour Day or Christmas Day.

Remembrance Day is not a general holiday. Retail businesses cannot be open between 9:00 a.m. and 1:00 p.m. on Remembrance Day. More information is available on the [Remembrance Day](#) fact sheet.

## **What are Sunday shopping hours?**

Shopping hours on Sunday are allowed for any period between 9:00 a.m. and 6:00 p.m. in municipalities that have passed a new by-law on or after August 1, 2012.

## **Can retail stores be open on General Holidays?**

In communities with a Sunday and Holiday shopping by-law, retail stores can be open Sunday shopping hours on Louis Riel Day, Victoria Day, and Thanksgiving Day.

Most retail businesses cannot be open on New Years Day, Good Friday, Easter Sunday, Canada Day, Labour Day, or Christmas Day.

Remembrance Day is not a holiday. Retail stores cannot be open between 9:00 a.m. and 1:00 p.m. on Remembrance Day. More information is available on the [Remembrance Day](#) page.

## **Do municipalities that have a by-law require all stores to open on Sundays?**

No. Even if a municipality has a by-law in place, each business owner can decide to be open or closed.

## **Which municipalities have Sunday shopping by-laws?**

Municipalities with a by-law allowing Sunday shopping include Brandon, Portage la Prairie, Thompson, and Winnipeg. You can contact your municipal office or town hall to find out if there is a by-law within your municipality.

## **Is there an exception for the construction industry?**

In the construction industry employees are still entitled to general holiday pay. Employees working in the construction industry receive 4% of their gross earnings as general holiday pay, which is often paid on every cheque instead of on the general holiday. For more information see the [Construction Industry](#) fact sheet.

## **How is general holiday pay calculated?**

Employees who consistently work the same number of hours get one regular work days pay as general holiday pay.

- For example, an employee who always works 8 hours a day, 5 days a week, would get their regular wages for 8 hours as general holiday pay.

For employees whose hours of work or wages vary, general holiday pay is calculated at 5% of the gross wages (not including overtime) in the 4 week period immediately before the holiday.

- For example: an employee who works varying hours each day, and earned \$1200 in the 4 weeks before the holiday, is entitled to general holiday pay of \$60 ie.  $\$1200 \times 5\% = \$60$

## **Do all employees receive general holiday pay?**

All employees receive general holiday pay unless:

- They are scheduled to work on a general holiday, but are absent without the employer's permission.
- They are absent without the employer's permission from their last scheduled workday before the holiday, or their first scheduled workday after the holiday.

Election officials, enumerators and any other temporary person appointed under *The Elections Act* are not entitled to general holiday pay.

## **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.

## **What if employment ends in the four weeks before a general holiday?**

If employees end the employment before a general holiday there is no entitlement to general holiday pay for that holiday.

If employers end the employment before a general holiday, employees are still entitled to general holiday pay of 5% of total wages (excluding overtime, but including wages in lieu of notice) for the four-week period immediately before the holiday. The general holiday pay must be paid with the last wages no later than 10 days after the employment ended.

## **How long is a vacation?**

Employees must receive at least two weeks of vacation after each of the first four years of employment. After completing 5 years of work with the same employer, employees must receive a minimum of 3 weeks of vacation.

## **What are employees paid while on vacation?**

Vacation pay is calculated based on the gross earnings in the previous year. Employees who are entitled to two weeks of vacation receive 4% of their gross wages as vacation pay and employees with three weeks vacation receive 6%.

## **What is included in gross wages for vacation pay?**

Gross wages include all regular wages and any general holiday pay. Regular wages include hours paid as commission, salary, hourly, bonuses tied to productivity, and any other wages paid as compensation for the regular hours of work.

Overtime wages, wages in lieu of notice, and the previous year's vacation wages are not included in the

calculation.

## **When are employees paid their vacation pay?**

Employers decide when vacation pay is to be paid. However, it must be paid no later than the last day of work before the vacation and within 10 months of earning it.

## **Can employers put vacation pay on every cheque?**

Employers may put vacation pay on every cheque. Employees are still entitled to take time off as vacation, but because it has already been paid, they do not receive any additional vacation pay while they are off.

## **When can employees take their 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.

If an employer and employee cannot agree on when the vacation will be taken, the employer sets the vacation date. The employer must give the employee 15 days notice before the vacation is to be taken and cannot divide the vacation into periods shorter than one week. Employers can choose to schedule their employees' vacations as part of an annual shut down.

## **What if a general holiday falls during employees vacations?**

General holidays are not counted as a vacation day. If a general holiday falls during an employees vacation, the employee receives another day of vacation and general holiday wages for the day of the general holiday. See the [General Holiday](#) page for more information.

## **How do unpaid leaves affect vacations and vacation pay?**

During a legislated or approved leave, employment is considered continuous. The time employees are away on leave counts toward their years of service when determining how much vacation they are entitled to. Employees who return from leave are entitled to their full vacation time because they are still employed while on the leave.

Vacation pay for employees who have taken a leave remains the same as for other employees, 4% of gross wages for 2 weeks vacation and 6% for those who have earned 3 weeks vacation. If they were not earning wages while

on the leave, the amount earned as vacation pay will be lower than it would have been otherwise.

See the page on [Unpaid Leaves](#) for more general information, or the pages on [Maternity Leave](#), [Parental Leave](#), and [Compassionate Care Leave](#) for more specific details.

## **What if employment ends before employees take their vacation?**

When employment ends, employees must be paid within 10 working days from the last day worked, all of the vacation pay that has been earned. Since vacation pay is earned from the first day of work, employees who have not yet completed one year of service are paid the portion they earned from the day they started with the employer.

## **Can vacation be used as notice of termination?**

Employers cannot use vacation for the notice period when terminating employment.

When employees are terminating employment, they may use vacation for the notice period if the employer agrees. Employees are entitled to all outstanding vacation pay when their employment ends. See the [Termination of Employment](#) fact sheet for more information.

## **How are years of service determined for seasonal employees?**

The employment of employees who work in a seasonal industry is deemed to be continuous if they return to work with the same employer each season. Each consecutive season they return adds one more year of service. Employees are entitled to 3 weeks vacation and vacation wages at 6% of their total gross earnings after 5 years of service (seasons) with the same employer.

## **Can employers establish a common anniversary date for earning vacation, for all employees?**

Employers can choose to have a common anniversary date so all employees receive their new vacation entitlements at the same time. Because all employees earn vacation pay from their first day of work, new employees will receive the portion they earned from the day they started and the common anniversary date. For example: if an employer establishes July 1 as the common anniversary and new employees start work on January 1, new employees will have worked ½ a year on the common anniversary date. These employees must receive ½ of their vacation time and 4% of their earnings up to July 1 as vacation pay.



## **Can employers offer more vacation?**

Employers can, and often will, give vacation and benefits that are greater than the legislation. They may not give less vacation or pay than the legislation states.

## **At what age can a child start working?**

All employees under 16 years old must have a permit from Employment Standards before they can work. Children under 12 years old are only allowed to work for an employer in exceptional circumstances.

## **Are there restrictions on where children and young people can work?**

Yes. Employees under 16 years old cannot work:

- On a construction site
- In industrial or manufacturing processes
- Drilling or servicing rigs
- On scaffolds or swing stages
- Pruning, repairing, maintaining, or removing trees

Employees under 18 years old cannot work in the following industries:

- Forestry
- Saw or pulp mills
- Confined spaces
- Underground in mines or on the face of open pit quarries
- Asbestos abatement and removal

Additional restrictions may be put on permits to ensure the work will not harm the safety or wellbeing of the child.

## **How much are children allowed to work?**

During a week of school, employees under 16 years old can work up to 20 hours per week. Additional restrictions may be put on permits to ensure the work will not harm the safety or wellbeing of the child.

## **Why do young people need an employment permit?**

No one wants a child to be hurt at work. The permit system gives Employment Standards the ability to investigate the work to make sure it is safe and will not harm the health or wellbeing of the child.

## **How do I apply for a Child Employment Permit?**

Download a [Child Employment Permit Application](#) or contact Employment Standards. The application requires information from the child, parent/guardian, and employer. Return the completed form to Employment Standards by mail, fax, email, or in person.

## **When do I apply for an employment permit?**

Employees under 16 years old must have approval from the Employment Standards Branch before they begin work. Once the application is filled out and the terms and conditions of the job are decided upon, an approved permit will be issued specifically for each employee and each job.

## **What kind of information is required to apply for an employment permit?**

The following information is required:

- name, age, address and contact information of the applicant
- contact information of the parent/guardian and of the employer
- type of business
- list of duties to be performed
- rate of pay and hours of work
- signatures of the applicant, his/her parent/guardian and the employer

## **What happens when Employment Standards receives an application for a Child Employment Permit?**

Employment Standards reviews the application. An officer will investigate to make sure there are no safety hazards or concerns about the job, and that the hours are suitable for the child's age.

## **What if the child's job changes?**

Each permit names the workplace, child and job duties approved for that child. It also lists any special conditions that must be followed. Employment Standards must be notified if there are any changes because the permit may no longer be valid.

If the child wants to work for a different employer, a new application for a Child Employment Permit must be made even if the job duties and hours stay the same.

## **Can children and young people work alone?**

Employees under 16 years old are not allowed to work alone without specific conditions placed on the permit. Employees under 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m.

All employers must have a safety plan for employees who are working alone. This is required under Workplace Safety and Health laws. Anyone with concerns about a child or young person working alone should contact Employment Standards or Workplace Safety and Health.

## **Do young people have the same rights as other employees?**

Yes. Young people have the same rights and the obligations as other employees. They are entitled to vacation pay, overtime, minimum wage, general holiday pay, and all other rights under *The Employment Standards Code*. The Employment Standards website at [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards) has information on employee and employer rights and responsibilities.

## **Why do children and young people need to know their rights and obligations as employees?**

All employers and employees need to know their rights and obligations before they agree to an employment arrangement. Children and young people can be vulnerable, and knowing their rights helps protect them in the workplace.

Starting a job is like signing an agreement. Employers have certain responsibilities, but employment agreements also put responsibilities on employees. Coming to work when scheduled, following instructions and safety rules at work and giving proper notice to end a job are all employee obligations.

## **What is Employment Standards?**

Employment Standards is a government program under Manitoba Labour and Immigration. 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?**

Minimum wage is \$11.00 per hour effective October 1, 2015.

## **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

## **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.

## **Termination of employment**

Employers are no longer allowed to set an alternate notice policy. After 30 days of employment, both employees and employers must provide notice.

The amount of notice employers must give employees depends on the number of years employees have worked for them.

Period of employment	Notice period
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 10 years	six weeks
at least 10 years	eight weeks

Employees who are ending their employment must provide employers with one week of notice if they have worked for them for more than 30 days but less than one year. They must give two weeks if they have worked for them for more than one year.

Employers can no longer withhold wages from employees who have ended employment without notice. More information about termination of employment can be found on the [Termination of employment](#) page.

## General Holidays

Part-time employees are entitled to the same general holiday pay as full-time employees. In most cases, employees are entitled to five per cent of their earnings in the 28 days before the general holiday as general holiday pay. A new general holiday, Louis Riel Day is added on the third Monday in February. More information about general holidays can be found on the [General holidays](#) page.

## Unpaid leave

Employees serving in the Canadian Forces Reserve are entitled to job protection while they are serving our country. More information can be found on the [Reservist leave](#) page.

Employees are entitled to three days of unpaid leave to deal with the death of a family member. More information can be found on the [Bereavement leave](#) page.

Employees are entitled to three days of unpaid leave each year to deal with personal illness or the needs of their families. More information can be found on the [Family leave](#) page.

For all unpaid leave, the definition of "family" has been broadened to include extended family. More information on the definition of a family member can be found on the [Unpaid leave](#) page.

## Overtime exclusions

Employees who substantially control their hours of work and earn more than twice the Manitoba average industrial wage may be exempt from the hours of work and overtime provisions. More information can be found on the [Overtime Exemption – Workers Who Substantially Control Their Hours of Work](#) page.

Employees who primarily perform management functions may be exempt from the hours of work and overtime provisions. This does not necessarily include all employees who are called managers or supervisors. More information can be found on the [Overtime Exemption – Workers Who Perform Management Functions Primarily](#) page.

## Overtime for incentive-based pay plans

Most employees who work more than eight hours in a day and 40 hours in a week are entitled to overtime. This includes employees who are paid either entirely or partly by incentive pay. Overtime for an employee paid by incentive is calculated based on an average hourly wage. More information on how to calculate overtime for incentive based pay plans can be found on the [Overtime – Incentive Pay Workers](#) page.

## Young employees

All employees under 16 years old must to have a permit from the Employment Standards Branch before they begin their jobs. They cannot work more than 20 hours during a week of school.

Employees under 18 years old cannot work alone from 11:00 p.m. to 6:00 a.m. They are also not allowed to work in forestry, asbestos removal, saw or pulp mills, confined spaces and underground in a mine or on the face of an open pit quarry.

Employees under 16 years old cannot work at all from 11:00 p.m. to 6:00 a.m. in any industry. They are not allowed to work at construction sites, on drilling or servicing rigs, on swing stages or scaffolds, in industrial or manufacturing processes or pruning, repairing, maintaining, or removal of trees.

More information on young employees can be found on the [Young employees](#) page.

## Deductions from wages

Employees are entitled to be paid wages for all hours they work. Employers can make some deductions from wages for items authorized by law, such as a garnishment or statutory deductions like Employment Insurance. Employers can also deduct wages for items that provide a direct benefit to employees. Employers cannot make a deduction from employees wages for items like uniforms, cash shortages or broken or stolen items. More information on deductions from wages can be found on the [Deductions](#) page.

## Reporting pay

Employees who work for three hours or more are paid their regular wages for all hours worked.

Employees scheduled to work three hours or more but who work less than three hours are paid for their regular wages for three hours.

Employees scheduled to work less than three hours and who work their scheduled hours are paid their regular wages for all hours worked.

Employees scheduled to work less than three hours and who work less than their scheduled hours are paid their regular wages for the full scheduled hours.

More information on reporting pay can be found on the [Wages for reporting for work](#) page.

## Domestic workers and live-in nannies

Domestic workers, including live-in nannies, are covered by the legislation after working for the same employer for more than 12 hours a week. They are paid for all hours they work and are entitled to overtime pay like all other employees. Casual babysitters who come into the house to provide care are considered domestics and are excluded from the legislation. More information on domestic workers and live-in nannies can be found on the [Domestic workers and live-in nannies](#) page.

## Do employers need to give employees pay raises?

Employers decide if and when employees receive pay raises. There is no requirement for employers to increase employees wages, regardless of how long employees work for them.

Employees must be paid at least minimum wage. When minimum wage increases, some employees' wages will go up to ensure they are making the new minimum wage.

## Must everyone earn at least minimum wage?

Yes. All employees must receive minimum wage unless they are not covered by provincial employment standards or are excluded from the legislation. Some groups of employees who are excluded from minimum wage are:

- Domestic workers who work less than 12 hours a week
- In an approved provincial or federal training program
- Election officials, enumerators and any other temporary person appointed under *The Elections Act*.

## Does minimum wage apply in construction?

The minimum wage applies in residential construction and building maintenance. There are separate minimum wage rules for the heavy construction sector and the industrial, commercial and institutional (ICI) sectors of the construction industry. More information on the construction industry can be found on these pages: [Construction Industry](#), [Heavy Wage Schedule](#) and [ICI Wage Schedule](#).

## Does minimum wage apply to students and part-time employees?

The minimum wage applies equally to all employees regardless of age or the number of hours they work. There are restrictions on the type of work people under 18 years of age can do. See the [Young Employees](#) page for more information.



## **Does minimum wage apply to employees paid by incentive?**

Yes. Employees who are paid incentives, like commission salespeople or flat rate mechanics, must earn at least minimum wage in each pay period. Employers must top up or add wages when an employee has not earned at least minimum wage in each pay period.

## **Are employees, who are paid minimum wage, entitled to overtime?**

Employees who work overtime are entitled to be paid at 1 ½ times their regular wages for all overtime hours worked. More information on calculating overtime can be found on the [Overtime](#) page.

## **Must the length of shifts be at least a certain amount of time?**

No. Employers control schedules and can set shifts that are best for their businesses. Sometimes very short shifts are needed. Once employees report to work, there are some protections for cancelling or shortening shifts. See the [Wages for Reporting for Work](#) page for more details.

## **Can employers deduct the costs of employees room and meals from wages?**

Yes. The cost for room and meals can be deducted if employees actually receive the meals and occupy the rooms. These deductions cannot take an employee below minimum wage in a pay period by more than \$1 for each meal and \$7 per week for the room. More information can be found on the [Deductions](#) page.

## **What types of heavy construction sector activities are covered by these standards?**

Activities that fall under heavy construction include:

- Construction of highways and roads
- Some types of snow removal
- Transportation of materials such as rock, gravel, earth, and soil
- Repair and maintenance of heavy construction equipment
- Demolition of any building or structure
- Construction and maintenance of transmission lines

This is not a complete list. Employers and employees who need more information should see the Heavy

Construction Wage Schedule or contact Employment Standards directly.

## **What is the minimum wage in the heavy construction sector?**

The minimum wage depends on employees job classifications. The classifications and wage rates can be found on the Heavy Construction Wage Schedule.

## **Are the minimum wages for heavy construction the same for all projects across Manitoba?**

Yes. There are 10 job classifications in the heavy sector and each has its own minimum wage. These minimum wages apply to all heavy construction projects in Manitoba.

## **What are the hours of work and overtime rules for employees in the heavy construction sector?**

The standard hours of work in the heavy sector are:

- 50 per week hours outside of Winnipeg
- 50 per week hours in Winnipeg from April 1 to October 31
- 48 per week hours in Winnipeg from November 1 to March 31 in the following year

All hours worked above the standard hours must be paid at the overtime rate of 1 ½ times the regular wage.

## **How is the termination of employment handled in the construction industry?**

Employees and employers in all sectors of construction can terminate employment at any time without notice. No notice is required by either party regardless of the number of years they have worked together.

## **How are general holidays paid in the construction industry?**

Unlike employees in other industries, construction employees are paid for general holidays at 4% of their regular earnings. Regular earnings include vacation wages but do not include overtime wages. Employers can include the general holiday pay on every cheque, or pay it all out at the end of the year.

Construction employees who work on a general holiday are entitled to 1 ½ times the regular wage for all hours worked in addition to general holiday pay.

## **When are construction employees paid for general holidays?**

Construction employees must be paid all general holiday pay by the end of the year. Some employers add general holiday pay to every cheque or in smaller amounts throughout the year, while others pay it all at the end of the year. Employees who are not sure how they are being paid for general holidays should ask their employers.

## **Do construction employees have to work on the general holiday to get general holiday pay?**

Construction employees earn general holiday pay at 4% of their gross regular wages. They receive this pay even if they never work on a general holiday.

For example: if employees work from June 1 to June 30, a period where there is not a general holiday, they would still receive 4% of their regular earnings as general holiday pay.

If an employee works on a general holiday, they must be paid 1 ½ times their regular wage for all hours worked on that day, in addition to 4% general holiday pay.

## **What is construction?**

Construction includes alteration, building, decoration, demolition, erection, maintenance, relocation, renovation or repair of buildings, structures, roads, sewers, water or gas mains, pipelines, transmission lines, tunnels, bridges, or canals.

## **Does the legislation apply to independent contractors?**

The legislation only applies to employees. True independent contractors are not employees and are excluded from the legislation, but this type of employment relationship can be complicated. The nature of the relationship between the parties would determine whether someone is truly an independent contractor. Consideration needs to be given to a number of factors, such as:

- Who controls duties and schedules
- The ability to negotiate payment
- The method of payments

A person who has not been paid properly and feels they may be an employee can file a claim with Employment Standards. An Officer will make a determination if the person is an independent contractor or an employee.

## How is construction different from other industries?

*The Construction Industry Wages Act* which sets out several different standards in the ICI and Heavy Construction sectors including those for terminating employment, general holidays, minimum wage, and hours of work.

Employees working in the house building sector are covered by *The Employment Standards Code*, but have different requirements from other industries regarding notice of termination and general holiday wages.

## Are the rules the same in all sectors of the construction industry?

The standards for general holidays and termination of employment are the same for all employees in ICI and Heavy construction, but wages and hours of work depend on the type of construction job and its location. *The Construction Industry Wages Act* covers employees working in the ICI and Heavy Construction sectors.

*The Employment Standards Code* covers employees in the house building sector.

## Can employers pay vacation and general holiday wages together?

Employers in the construction industry can pay employees for their vacations and general holidays once a year, on every cheque, or in smaller amounts throughout the year.

For vacation pay, employees earn 2% of their total gross wages for each week of vacation. Employees with less than five years of service with the same employer are entitled to two weeks vacation and receive 4% of their regular wages for vacation pay. Employees with at least five years with the same employer get three weeks vacation and earn 6% as vacation pay.

For general holidays, the employee receives 4% general holiday pay.

For example: a construction employee who is entitled to two weeks vacation and earns \$10,000 in wages (not including overtime) would receive \$400 vacation pay and \$416 general holiday pay.

Total gross regular wages (excluding overtime)	\$10,000
Vacation allowance	$(\$10,000 \times 4\%) + 400$
Subtotal	\$10,400
General holiday pay	$(\$10,400 \times 4\%) + 416$
Total pay	\$10,816

If the construction employee completes five years with the same employer, the vacation allowance increases to 6% (\$10,000 X 6%).

More information can be found on the [Vacations & Vacation Pay](#) and the [General Holidays](#) fact sheets.

## **What is the minimum wage in the construction industry?**

*The Construction Industry Wages Act* sets the minimum wages for most of the construction industry.

For employees working in residential construction, minimum wage falls under The Employment Standards Code, which, as of October 1<sup>st</sup>, 2014, is \$10.70 per hour in most industries. See the [Minimum Wage](#) fact sheet for more details.

For employees working in ICI or Heavy construction, the minimum wage rate depends on the type of job the employee is doing. See the [ICI Construction](#) and [Heavy Construction](#) fact sheets for more information.

## **What types of construction activities are excluded from the heavy and ICI sectors?**

The ICI and heavy construction sectors do not include:

- House building (except for major building construction projects)
- Renovations and redecorations (unless the work requires structural or architectural renovations)
- Onsite maintenance by regular maintenance staff
- In-shop prefabrication of structures
- Construction of farm buildings

Employees doing these types of construction are covered under *The Employment Standards Code*. See the [Quick Guide to Employment Standards](#) fact sheet for more information.

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