


| <b>COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION (almost 90%)</b>  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• child care workers in a daycare</li> <li>• Income tax workers who are employees of H &amp; R Block</li> <li>• credit union and trust company employees</li> <li>• server in a restaurant</li> <li>• sales associate</li> <li>• office worker</li> <li>• daycare worker</li> <li>• factory worker</li> <li>• warehouse worker</li> <li>• receptionist</li> <li>• cleaner AND MANY, MANY MORE....</li> </ul>  | <p>Employees covered by the Employment Standards laws in Manitoba can phone the Employment standards branch office or search the Employment Standards Branch website for information.</p> <p>Employees should first discuss their concerns with their employers, as there may have been a mistake or the employer may not realize that there is a problem. If there is still a disagreement, employees may contact the Employment Standards Branch for more information or to file a claim.</p>   |
| <b>NOT COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION</b>   |   |
| <p><u>Under Federal Jurisdiction:</u></p> <ul style="list-style-type: none"> <li>• income tax workers who are employees of Revenue Canada</li> <li>• elections Canada workers</li> </ul> <p><u>Industries including:</u></p> <ul style="list-style-type: none"> <li>• railways, highway transport, trucking, pipelines, ferries, tunnels, bridges, canals, telephone and cable systems</li> <li>• all extra-provincial shipping and services connected with shipping, air transport, aircraft, airports and aerodromes</li> <li>• radio and television broadcasting</li> <li>• banks</li> <li>• flour, feed and seed cleaning mills, feed warehouses, grain elevators and uranium mining and processing</li> <li>• federal Crown corporations or agencies of the Crown, such as the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority</li> </ul> <p>These industries fall under the Canadian Labour Code, which is enforced by Human Resources and Social Development Canada (HRSDC). They can be reached at 983-6375 in Winnipeg, or toll free at 1-800-838-2033.</p> | <p><u>Parts of the legislation do not apply to:</u></p> <ul style="list-style-type: none"> <li>• babysitters who go into a family home</li> <li>• people who run a daycare out of their home and have no staff</li> <li>• professionals that have governing bodies (doctors, lawyers, etc)</li> <li>• part-time domestic workers</li> <li>• temporary election workers</li> <li>• self-employed</li> <li>• independent contractors</li> </ul> <div style="text-align: center;">  </div> <p>(Signing a document does not make a person an independent contractor. It is the nature of the relationship between the parties that determines if someone is truly an independent contractor.)</p> |



## STUDENT ROLE PLAY SCRIPT

## PHONING THE EMPLOYMENT STANDARDS BRANCH

**Officer:** Hello, Employment Standards Branch, \_\_\_\_\_ speaking. How may I help you?

**Employee:** I'm calling to see if my job is covered by the Employment Standards Laws in Manitoba.

**Officer:** It probably is, because 90% of the jobs in Manitoba are. What do you do?

**Employee:** *(Choose one of the following)* I work with people/numbers/machines. *(e.g. If the employee was a daycare worker he/she would say he/she worked with people.)*

**Officer:** *(Asks more questions to get details about the job, using the "5 W's": what, where, when, why, and who. The employee should answer the questions without stating the job directly.)*

- What do you do? *(e.g. "I read story books to children and play with them.")*
- Where do you work? *(e.g. "I work in buildings that are decorated with bright colours.")*
- When do you work? *(e.g. "I work during the day, sometimes from 7 am to 3 pm.")*
- Why do you like this job? *(e.g. "I like working with young children.")*
- Who do you work with? *(e.g. "I work with children whose parents are busy working.")*

**Officer:** You must be a \_\_\_\_\_ *(e.g. childcare worker working in a daycare)*. You are/aren't covered by Employment Standards. *(e.g. In this example, the employee is.)*

**Employee:** That's good to know. Where else can I get more information?

**Officer:** On our website, located at <http://www.gov.mb.ca/labour/standards/>. If you have a concern, discuss it with your employer first, and phone us back if you have any more questions.

**Employee:** Thanks for your help. Bye.



FILING A COMPLAINT  
READING THE EMPLOYMENT STANDARDS  
COMPLAINT FORM

1. (a) Where is the Employment Standards Branch located? \_\_\_\_\_  
(b) Which floor is it on? \_\_\_\_\_
2. What will happen after this complaint form is filled out? (see the “\*”) \_\_\_\_\_  
\_\_\_\_\_
3. How much time does the employee have to file the complaint? \_\_\_\_\_
4. What happens after the complaint is filed?  
\_\_\_\_\_
5. Who is the problem referred to if the customer service centre can’t solve the problem? \_\_\_\_\_
6. What happens if the matter goes to a hearing?  
\_\_\_\_\_
7. What is the address of the web site? \_\_\_\_\_
8. What is the phone number in Winnipeg? \_\_\_\_\_
9. What is the toll free phone number? \_\_\_\_\_
10. How many Employment Standards offices are there in Manitoba? \_\_\_\_\_

**OPTIONAL ACTIVITY:**

Go to the web site and research a question that interests you.

E-mail for more information:  
Employmentstandards@gov.mb.ca





**EMPLOYMENT STANDARDS COMPLAINT FORM\*/  
FORMULAIRE DE PLAINTE EN VERTU DES NORMES D'EMPLOI\***

**This complaint is made by:/La présente plainte est déposée par**

|   |   |                            |                          |
|---|---|----------------------------|--------------------------|
| Name (Person or Business):/Nom (personne ou entreprise) : |   |                            |                          |
| Address:/Adresse :  |   | City/Town:/Ville/mun. :    | Postal Code:/Code postal |
| Home Phone #:/N° de téléphone (résidence) :               | Work Phone #:/N° de téléphone (travail) : | Fax #:/N° de télécopieur : |                          |
| Cell Phone #:/N° de téléphone cellulaire :                | Email:/Adresse électronique :             |                            |                          |

**This complaint is made against:/La présente plainte est déposée contre**

|   |   |                            |                          |
|---|---|----------------------------|--------------------------|
| Name (Person or Business):/Nom (personne ou entreprise) : |   |                            |                          |
| Address:/Adresse :  |   | City/Town:/Ville/mun. :    | Postal Code:/Code postal |
| Home Phone #:/N° de téléphone (résidence) :               | Work Phone #:/N° de téléphone (travail) : | Fax #:/N° de télécopieur : |                          |
| Cell Phone #:/N° de téléphone cellulaire :                | Email:/Adresse électronique :             |                            |                          |

**\*An Employment Standards officer will contact you to discuss the details/  
\*Un agent des normes d'emploi communiquera avec vous pour discuter des détails de la plainte.**

Is the business still operating?/Est-ce que l'entreprise est toujours en exploitation? \_\_\_\_\_

What is the employer's type of business:/Quel est le genre d'entreprise de l'employeur? \_\_\_\_\_

Complainant Signature:/Signature du plaignant : \_\_\_\_\_ Date: \_\_\_\_\_

|                                   |  |
|-----------------------------------|--|
| Office use only/Réservé au bureau |  |
| Date received/Date de réception   | Receiving Officer/Agent réceptionnaire |
| File Number/N° de dossier         | S.I.C./N.A.S.                          |

Employment Standards Branch/Division des normes d'emploi  
604 – 401 York Ave./401, avenue York, bureau 604, Winnipeg, MB R3C 0P8  
Tel./Téléphone : 945-3352 or/ou 1-800-821-4307 Fax:/Télécopieur : 948-3046

This personal information is being collected under the authority of *The Employment Standards Code*, and/or *The Construction Industry Wages Act*, and/or *The Remembrance Day Act*. It is protected by the protection of privacy provisions of *The Freedom of Information and Protection of Privacy Act*. If you have any questions about this collection of information, please contact the Manager of Client Services, 604 – 401 York Ave. 945-3352 or 1-800-821-4307.

Les renseignements personnels sont recueillis en vertu de l'autorité du *Code des normes d'emploi*, de la *Loi sur les salaires dans l'industrie de la construction* ou de la *Loi sur le jour du souvenir*. Les renseignements sont protégés en vertu des dispositions de protection de la vie privée de la *Loi sur l'accès à l'information et la protection de la vie privée*. Si vous avez des questions au sujet de la collecte des renseignements, veuillez communiquer avec le directeur des services à la clientèle (401, avenue York, bureau 604, 945-3352 ou 1 800 821-4307).

### Filing a Complaint

If the employer and employee cannot settle an employment standards problem, either person can file a complaint. The complaint must be filed within six months.

The Employment Standards Code does not apply if you work in any of the industries regulated by the federal legislation, for

example airlines, banks, railways, TV and radio stations. If you were employed in one of these industries and are thinking of filing a complaint, you should contact the federal Human Resources Development Canada-Labour Program at 983-6375 or 1-800-838-2033.

### What happens after you file a complaint?

Staff in the Customer Service Centre will speak with both the employer and employee to gather information, review the facts and the applicable legislation, and work towards resolving the complaint.

Complaints that cannot be resolved in our Customer Service Centre are referred to a field officer. The field officer investigates all the relevant information and advises the employer and employee about their mutual employment standards rights and obligations. If the complaint is resolved voluntarily, the file is closed.

If the employer and employee cannot resolve the complaint, an Order requiring the payment of wages may be issued. A minimum \$100.00 administration fee is applied to each order issued.

Either the employer or employee may appeal an Order by making a written request to have the matter heard by the Manitoba Labour Board. There are strict time limits on filing an appeal.

If the matter goes to a hearing, the employers and employees must testify and present evidence in support of their case to the Manitoba Labour Board.

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### How to Contact Us / Comment communiquer avec nous

Visit our Web Site at/ Visitez le site Web  
[www.gov.mb.ca/labour/standards/](http://www.gov.mb.ca/labour/standards/)

Fax number / N° de télécopieur : (204) 948-3046

**Winnipeg** – 945-3352 or / ou 1-800-821-4307  
 604 – 401 York Avenue R3C 0P8 / 401, avenue York, bureau 604, R3C 0P8

**Brandon** – 726-6370  
 340 – 9th Street R7A 6C2 / 340, 9<sup>e</sup> Rue, R7A 6C2

**Thompson** – 677-6664  
 59 Elizabeth Road R8N 1X4 / 59, chemin Elizabeth, R8N 1X4

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### Dépôt d'une plainte

Si l'employeur et l'employé ne peuvent régler un problème afférent aux normes d'emploi, l'une ou l'autre partie peut déposer une plainte. Cette dernière doit être déposée dans les six mois qui suivent l'apparition du problème.

Le Code des normes d'emploi ne s'applique pas si vous travaillez dans un secteur réglementé par le gouvernement fédéral (p. ex.

lignes aériennes, banques, chemins de fer, stations de télévision et de radio). Si vous étiez employé dans un des secteurs mentionnés ci-dessus et que vous songez à déposer une plainte, vous devriez communiquer avec le Programme du travail de Développement des ressources humaines Canada en composant le 983-6375 ou le 1 800 838-2033.

### Qu'arrive-t-il après le dépôt d'une plainte?

Le personnel du Centre de services à la clientèle communique avec l'employé et l'employeur afin de recueillir des renseignements, d'examiner les faits et les mesures législatives applicables et de régler la plainte.

Les plaintes qui ne peuvent être réglées par le Centre de service à la clientèle sont confiées à un agent local. Ce dernier examine tous les renseignements pertinents et indique à l'employé et à l'employeur leurs obligations et leurs droits mutuels en matière de normes d'emploi. Si la plainte est réglée de manière volontaire, le dossier est fermé.

Si l'employé et l'employeur ne peuvent régler la plainte, une ordonnance visant le paiement de salaires peut être rendue. Des droits d'administration minimums de 100 \$ s'appliquent à toute ordonnance rendue.

L'employeur ou l'employé peut interjeter appel d'une ordonnance en demandant par écrit que la question fasse l'objet d'une audience de la Commission du travail du Manitoba. La procédure d'appel est assujettie à des délais rigoureux.

Si la question fait l'objet d'une audience, les employeurs et les employés doivent témoigner et présenter des preuves à l'appui de leur cas à la Commission du travail du Manitoba.



### LISTENING ACTIVITY

In the dialogue, a radio interviewer is interviewing an employment standards officer to get information about young workers.

The information in the dialogue comes directly from the website.

1. How old must a person be to work?
2. Are there restrictions on when young people can work?
3. How often can young people work?
4. Can young people work alone?
5. Do young people have the same rights as other employees?

## LAWS TO PROTECT YOUNG WORKERS

### LISTENING TRANSCRIPT



**Radio announcer:** Well, recently we've heard on the news that more and more young children and young teenagers are working. This has got me thinking. Are there any laws about when children can or can't work? I'm pleased to welcome to our studio an Employment Standards officer, Ada. Welcome to our studio, Ada.

**Employment Officer:** Thanks. I'm glad to be here.

**Radio announcer:** Now I have some questions for you. How old must a person be to work?

**Employment Officer:** They must be at least 12 years old, and until they're 16 years old, they need a child employment permit to work.

**Radio announcer:** Are there restrictions on when young people can work?

**Employment Officer:** Yes. Children under the age of 16 cannot work between the hours of 11 pm and 6 am.

**Radio announcer:** So they can't work at night.

**Employment Officer:** That is correct.

**Radio announcer:** And how often or how many hours can young people work?

**Employment Officer:** During the school year, children under 16 can only work a maximum of 20 hours a week.

**Radio announcer:** I guess that is so they can concentrate on their studies.

**Employment Officer:** That is correct.

**Radio announcer:** Can young people work alone?

**Employment Officer:** Our policy is that children under 16 have adult supervision at all times.

**Radio announcer:** Hmm... But do young people have the same rights as other employees?

**Employment Officer:** Yes, of course. All employees in Manitoba have the same rights.

**Radio announcer:** And a final question for you. How can people get a hold of you if they have more questions?

**Employment Officer:** They can call our general inquiry line at 945-3352, or they can drop by our office during office hours at Room 604, 401 York Ave.

**Radio announcer:** Thanks very much.

**Employment Officer:** You're very welcome.