



Employment Standards

- Enforce minimum standards that apply to most employees in Manitoba
- Does not cover every aspect of the workplace relationship



 Does not allow employees and employers to agree to work for less than the minimum standards



Employment Standards

The key topics that will be covered today are:

- Minimum Wage
- Payment of Wages
- Termination
- Reporting to Work
- Hours of Work & Overtime

- Breaks & Day of Rest
- Vacation
- General Holidays
- Protected Leaves
- Young Employees



Minimum Wage Minimum wage is \$11.65 per hour as of Oct 1

- Employees cannot be paid less than minimum wage, whether they are paid a salary, a wage, or by the piece
- Employees can be paid more than minimum wage
- The minimum wage is different for some construction workers



Payment of Wages

- Employees must be paid at least 2 times a month
- Can be paid by cash, cheque or direct deposit
- Wages must be paid within 10 days of the end of a pay period (5 days in construction)
- Employers are not allowed to withhold an employee's pay



Payment of Wages

- Employers must provide each employee with a pay statement that includes:
 - Regular hours
 - Overtime hours
 - Rate of pay
 - Deductions, with a reason
 - Net wages paid



Payment of Wages

Sample Compa	ny Inc.	Earnings S	Earnings Statement		
Employee: John Wa	ng	Period En	Period Ending: 15/01/2010 Pay Date: 21/01/2010		
	-	Pay			
Earnings					
	Rate	Hours	Amount		
REGULAR	12.00	80.00	960.00		
OVERTIME	18.00	10.00	180.00		
		Gross Pay	1,140.00		
Deductions					
MERCs		Income Tax	-170.48		
		EI	- 19.72		
		CPP	- 49.77		
Company Mandator	y	Health Insurance	- 64.00		
		Registered Pension Plan	- 25.00		
		Union Dues	- 10.00		
Company Optional		Canada Savings Bonds	- 5.00		
		Net Pay	796.03		



Ending Employment

• Notice from **Employer to Employee**:

Length of Employment

Less than 30 days

- 30 days to 1 year
- 1 year to 3 years
- 3 years to 5 years
- 5 years to 10 years
- 10 years or more

Required Notice

- No Notice
- 1 Week Notice
- 2 Weeks Notice
- 4 Weeks Notice
- 6 Weeks Notice
- 8 Weeks Notice



Ending Employment

• Notice from **Employee to Employer**:

Length of Employment Less than 30 days 30 days to 1 year More than 1 year Required Notice No Notice 1 Week Notice 2 Weeks Notice



Ending Employment

There are some **exceptions** to notice:

- the employee is working in construction
- the period of employment is for a fixed, specified term
- the employer can show that the employee was terminated for Just Cause



Reporting to Work

- Wages for reporting to work apply when employees show up to work and are sent home by the employer before the end of their scheduled shift.
- Employees are paid whichever is more, actual time worked or three hours.
- Employers can schedule a shift less than three hours.



Overtime and Hours of Work

- Regular hours of work: 8 per day and 40 per week
- Examples:

	<u>S</u>	Μ	Т	W	Т	F	S	Total	Reg.	ΟΤ
1)		8	8	8	8	8	8	48	40	8
2)		8	6	6	8	10		38	36	2



Overtime

- Overtime is paid at 1¹/₂ times the regular wage rate
- Most employees are entitled to overtime wages if they work more than the regular hours
- Regular hours are different in some industries (eg. construction) or if there is an averaging permit in the workplace
- Employees must have permission to work overtime
- Employees are not normally required to work overtime



Breaks and Day of Rest

- Employees are entitled to a break after every five hours of work
- Breaks must be at least 30 minutes and are not required to be paid
- Employers can choose to offer additional breaks
- Employees are entitled to one day of rest each week



- Employees must be paid for all hours worked
- Deductions must be of direct benefit to employees
- Allowable deductions include:
 - Statutory deductions (income tax, EI, CPP)
 - Court orders or garnishments
 - Recovery of pay advances or errors
 - Any other deduction that is a direct benefit



- Employers **cannot** deduct for:
 - Broken, stolen or damaged property
 - Faulty or poor quality work
 - Customer theft
 - Cash or inventory shortages
 - Safety equipment
 - Interest or other fees for cash advances or cashing cheques
- These items cannot be deducted even if the employee agrees



- Uniforms or Special Clothing
 - Uniforms are unique clothing to that employer
 - Employers cannot charge for uniforms
- Dress Code
 - Employers can establish a dress code
 - Dress codes are not unique to that employer and can be worn outside of employment
 - Employees must be allowed to purchase the clothing from a place of their choice





Uniforms



Dress Code



Vacation

- Employees start earning vacation pay from their first day of work with an employer
 - After working <u>1 year</u> for the same employer, employees get two weeks of vacation leave and 4% of their gross regular wages
 - After <u>5 consecutive years</u> with the same employer, employees get three weeks of vacation leave and 6% of their gross regular wages



Vacation

- Employers must give employees their annual vacation within 10 months of it being earned
- If the employee and employer cannot agree on when the vacation is to be taken, the employer can give 15 days notice to schedule the vacation time



General Holidays

- There are eight General Holidays in Manitoba:
 - New Year's Day (January 1st)
 - Louis Riel Day (3rd Monday in February)
 - Good Friday (Friday before Easter)
 - Victoria Day (Monday before May 25th)
 - July 1st (Canada Day)
 - Labour Day (1st Monday in September)
 - Thanksgiving Day
 - Christmas Day
- (2nd Monday in October)
- (December 25th)
 - Employment Standards/An Overview



General Holidays

- General Holiday pay is calculated at 5% of the gross wages in the four-week period before the holiday
- Employees are eligible unless they miss the last shift before or the first shift after the holiday without the employer's permission



General Holidays

- Most employees will be paid 1½ times their regular wage for the hours worked on the holiday
- Some exceptions are:
 - Restaurants
 - Hotels
 - Gas Stations
 - Hospitals
- Employees working in these industries will be paid regular wages for work on the holiday



Leaves of Absence

- Employers are required to give employees time off for a specified leave and allow them to return to their job or a comparable one after the leave
- Employers are not required to pay wages during most leaves however you may qualify for benefits through Employment Insurance (E.I.)
- For information, contact the Government of Canada at 1-800-O-Canada (1-800-622-6232)



Definition of Family

- "Family" is defined very broadly for unpaid leaves, and includes:
 - Children, stepchildren, parents, grandparents, spouses, common-law spouses, aunts, uncles, nieces, nephews are all considered family
 - a person who is not related by blood or marriage, but is considered as a family member



Leaves of Absence (cont...)

Leave:	Length of Leave:	Qualify:	
Maternity	17 weeks	7 months	
Parental	63 weeks	7 months	
Reservist	While serving in Reserves	7 months	
Compassionate Care	28 weeks	90 days	
Serious Injury or Illness	17 weeks	90 days	
Continued			



Leaves of Absence (cont...)

Leave:	Length of Leave:	Qualify:
Domestic Violence	10 days (5 paid) and	90 days
	17 weeks	
Family	3 days	30 days
Bereavement	3 days	30 days
Organ Donor	13 weeks	30 days
Citizenship Ceremony	4 hours	30 days
Continued.		



Leaves of Absence (cont...)

Leave:	Length of Leave:	Qualify:
Leave Related to Death or	52 weeks	30 days
Disappearance of a Child. If, as a result of a crime:	104 weeks	
 the child has disappeared 		
 the child has died 		
Leave for family members of a	37 weeks	30 days
critically ill child or adult	17 weeks	90 days



Young Employees

- Employees under 16 years old:
 - Must complete the YWRCC before they can work
 - Cannot work from 11:00pm to 6:00am
 - Cannot work more than 20 hours during a week of school
 - Cannot work in some industries



Young Employees

- Employees under 18 years old:
 - Cannot work ALONE between 11:00pm and 6:00am
 - Cannot work in certain industries



Where to Find Us

• Telephone:

1-800-821-4307 or 204-945-3352

• Website:

www.manitoba.ca/labour/standards

 Visit our office in Winnipeg, Monday - Friday 8:30 a.m. to 4:30 p.m.: *Room 604 - 401 York Avenue*