

Who is covered by The Employment Standards Code?

Employment standards legislation covers employees whose workplaces are under provincial jurisdiction. Almost 90% of all workplaces in Manitoba fall under provincial jurisdiction. Some professionals and some employees working in agriculture and independent contractors are exempt from *The Employment Standards Code*.

Who is covered by the Employment Standards laws in Manitoba?

Most employees in Manitoba fall under provincial jurisdiction. Some employees work in industries regulated by the federal government. These employees must contact Canada Labour Program if they have concerns about how their wages have been paid.

Independent contractors are not employees and are not covered by employment standards legislation.

Other employees, such as some agricultural workers, construction workers, professionals, part-time domestic workers, landscape workers and, election workers are entitled to some employment standards but not all.

Who is covered by federal jurisdiction?

Approximately 10% of employees in Manitoba fall under federal jurisdiction. They work in industries such as:

- Railways, highway transport, pipelines, ferries, tunnels, bridges, canals, telephone and cable systems
- Intra-provincial and international trucking, shipping and services connected with such shipping
- Air transport, aircraft, airports, and aerodromes
- Radio and television broadcasting
- Banks (except credit unions and trust companies)
- Flour, feed and seed cleaning mills, feed warehouses, grain elevators and uranium mining and processing
- Federal Crown corporations or agencies of the Crown, such as the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority

The laws affecting federally regulated industries are quite different from provincial employment standards. People unsure of which jurisdiction affects them should contact either Employment Standards or the federal government.

Where do employees who fall under federal labour laws file complaints?

Employees who are covered federally fall under the Canada Labour Code, which is administered by Human Resources and Social Development Canada (HRSDC). They can be reached at 1-800-641-4049.

Are self-employed persons/independent contractors covered by The Employment Standards Code?

No. Self-employed persons/independent contractors are not covered by *The Employment Standards Code*, but this type of employment relationship can be complicated. The nature of the relationship between both parties would determine whether someone is truly an independent contractor. Several details need to be considered, such as:

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

Individuals who are owed wages 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 for the purposes of *The Employment Standards Code*.

Are people employed in agriculture covered by Employment Standards legislation?

Many employees working in agriculture are covered by Employment Standards legislation, but there are still some exceptions. Employees working on a farm owned by a family member are excluded from most standards. Other employees working in agriculture are covered by some or all standards. See the [Agriculture](#) fact sheet for more information.

Can employers or employees agree to lower provisions than those outlined in the legislation?

No. The legislation sets the minimum standard for all employers and employees. They cannot agree to minimum standards that are less than those set out in the law. Some provisions allow employers and unions to agree to different terms in a collective agreement.

Are all aspects of employment law covered by The Employment Standards Code?

No. The Employment Standards legislation sets the minimum standards employers and employees must follow. Employers and employees may sue through civil court for items like breach of contract or unjust dismissal. Anyone with questions regarding civil law should contact a lawyer.

For more information contact Employment Standards:

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

Fax: 204-948-3046

Website: 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 , The Worker Recruitment and Protection Act, or contact Employment Standards.

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Date Published: April 14, 2020

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