

Changes to Termination of Employment in 2007 (New)

There are many changes to the Employment Standards Code that affect termination of employment and notice of termination. The new legislation introduces the concept of graduated notice and removes the employers ability to change the notice policy for their operation. This page discusses only the areas that have changed, more information can be found on the [Termination of employment](#) page.

Do employers need to give notice of termination?

Yes, when employers wish to terminate employees they must give notice of termination or pay wages equal to what would normally be earned during the notice. This is often called wages in lieu of notice. The notice period varies depending how long employees have worked.

Do employees need to give notice of termination?

Yes, employees who have worked for an employer more than 30 days but less than one year, must give at least one weeks notice before the last day they plan to work. After employees have completed one full year with the same employer, at least two weeks notice is required.

Is there a no-notice period?

In the first 30 days of employment the legislation states that employers and employees have the right to end the working relationship without notice.

How much notice of termination must employers give to their employees?

The amount of notice employers must provide employees depends on the length of time that employee has 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

Employers can still either allow the employee to work out this notice period, or pay wages in lieu of notice, for

the same number of weeks.

How is a period of employment calculated?

In most cases, it is the length of time from when employees start with employers, until the day the employment ends.

In situations where employees leave an employer for a short period of time and return to work for the same employer later, the employment is considered continuous when the break is less than two months, or if the job is seasonal and repeats year after year.

Do parental leaves or other leaves of absence affect notice?

No, employment is considered continuous during statutory leaves like parental, maternity or compassionate care leave. It is also considered continuous during non-statutory leaves, like an educational leave, if the leave was approved by the employer.

Do notice provisions cover construction?

No, employees who work in the construction industry are excluded from notice of termination requirements. For more information, see the [Construction industry](#) page.

Can employers keep employees' wages if employees terminate without notice?

No. Effective April 30, 2007, employers cannot keep wages from employees who quit without notice. Employers must pay employees all earned wages within 10 days of the last day of work.

Can employers have notice policies for their businesses that are different from the legislation?

No. Effective April 30, 2007, employers cannot have alternate notice policies. A notice policy set under the previous legislation is not valid. The only exclusion is a unionized workplace, where a collective agreement has a probationary period that is one year or less.

For more information contact the Employment Standards Branch at:

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This information is intended as a guide only and is not a legal opinion. For complete information refer to the *Employment Standards Code* or other relevant legislation or contact us for more details.

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