

## Frequently Asked Questions 100 – 199

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

For Family Leave, Bereavement Leave, Leave for Organ Donation, Compassionate Care Leave and Leave for a Citizenship Ceremony, employees must work for the same employer for 30 days to qualify for leave. For Reservist, Maternity and Parental leave, employees must work for the same employer for seven consecutive months to qualify for leave.

### Who is eligible for the leave?

All leave options have specific requirements. Fact sheets for each leave option provide more detail. They can be found on our website, or an Employment Standards office. Generally, employees must work for the same employer for the qualifying period and provide reasonable notice.

Employers can request reasonable verification of the need for 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 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, they are not required to.

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

Although Remembrance Day is not a general holiday, the calculation to pay an employee who works on Remembrance Day is the same as for general holidays. Employees who work must be paid 1 1/2 times their regular wage for all hours worked, plus 5% of their earnings in the 28 days before Remembrance Day. Further

information on calculating a regular days pay can be found on the [General holiday](#) page.

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

Employees who work are entitled to be paid for at least half of a regular work day, at 1 1/2 times their wages. For example, employees who normally work an eight-hour day, but work two hours on Remembrance Day, would be paid four hours at 1 1/2 times their wage, plus a regular day of pay (eight hours).

## **Are employees in all industries paid 1 1/2 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 holidays](#) 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 that regularly operate with fewer than four employees (including the owner)
- 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 which are not on the above list. 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 general holidays: New Years Day, Good Friday, Canada Day, Labour Day or Christmas Day.

\*\*\*Easter Sunday is not a general holiday however *The Retail Businesses Holiday Closing Act* does not allow a retail business to be open. It is treated the same as general holidays where businesses are not able to open.

\*\*\*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](#) page.

## **What are the current restrictions on Sunday shopping hours?**

Before August 1, 2012, in municipalities that have passed a by-law, retail businesses can be open between 12:00 p.m. and 6:00 p.m.

## **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?**

Some of the municipalities that have a by-law allowing Sunday shopping are Brandon, Portage la Prairie, Thompson and Winnipeg. You may 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?**

Yes, in the construction industry employees are entitled to general holiday pay, but it is calculated as a percentage of their regular wages. It is often paid on every cheque instead of on the holiday. For more information see the [Construction industry](#) page.

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

General holiday pay is five percent of an employees total wages in the four-week period immediately before the

holiday. Overtime should not be included in this calculation.

For a part-time employee, this amounts to a percentage of his/her regular day of pay. For example: a part-time employee may work about 25 hours each week at \$10 per hour, but his/her schedule is different each day. In the four weeks before the holiday, he/she earned \$1,000. General holiday pay is \$1,000 times five per cent, or \$50.

For an employee that works the same number of hours, every day, five days a week, the five per cent calculation will equal his/her regular day of pay. For example: an employee worked 8 hours a day, 5 days a week at \$10 per hour, for the previous 28 days, he/she earned \$1,600. General holiday pay is \$1,600 times five per cent, or \$80.

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

All employees receive general holiday pay unless:

- They are absent from work on a general holiday that is normally a workday and they are expected to work.
- They are absent from work on their last scheduled workday before the holiday or their first scheduled workday after the holiday, unless they are absent with the employer's consent.

## **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. In addition they also receive 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 entitled to general holiday pay of five per cent of total wages, excluding overtime wages 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?**

After completing one year with an employer employees must receive two weeks of vacation. After completing their fifth year of work with the same employer, employees must receive three weeks of vacation.

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

Vacation pay is calculated based on the earnings in the previous year. For each week of vacation, employees earn two per cent of their gross wages as vacation pay. For example: employees who earn two weeks of vacation receive four per cent of their gross wages as vacation pay. Employees with three weeks vacation receive six per

cent of their gross wages as vacation pay.

## **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.

## **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 pay vacation pay on every pay cheque?**

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

## **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 decides. The employer must give the employee notice of 15 days before the vacation will be taken, and cannot divide the vacation into periods shorter than one week. Employers can schedule their employees' vacations as part of an annual shut down.

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

Employees would normally receive another day of vacation, and receive 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. Employees are still employed, but not earning wages while on the leave. Employees who return from leave are entitled to their full vacation time, so employees with less than five years of service would still be entitled to two weeks off.

Vacation pay for employees who have taken a leave remains the same as for other employees— four per cent of gross wages for two weeks vacation and six per cent for those who have earned three weeks vacation. The amount they earn as vacation pay may be lower than it would have been otherwise, if they were not earning wages while

on their leave.

While on leave, employees are still employed. The time they are away on leave does count toward their years of service when determining how much vacation they are entitled to. 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 all of the vacation pay that has been earned. Employees begin earning vacation from their first day of work. This includes the situation where an employee has not yet completed one year of service.

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

Vacation cannot be used as notice of termination. Employees are entitled to all outstanding vacation pay when their employment ends.

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

Employees who work in a seasonal industry and return to work with the same employer each season, have continuous service for vacations. Each consecutive season they return adds one more year of service to their total. Once employees complete their fifth season with an employer, they are entitled to three weeks vacation and vacation wages of six per cent.

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

Employers can choose to have a common anniversary date, so all their employees receive their new vacation entitlements at the same time. All employees earn vacation pay from their first day of work. New employees will receive the portion they earned between the day they started and the common anniversary date. For example: if an employer establishes July 1 as the common anniversary and new employees starts work on January 1, new employees will have worked ½ a year on the common anniversary date. They must receive ½ of their vacation, normally one week) and four per cent of their earnings until 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.

## **How old must a person be to work?**

Generally, children under 12 years old are only allowed to work for an employer in exceptional circumstances. Employees under 16 years old must have a permit from the Employment Standards Branch before they can work.

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

Yes, people under 18 years old are not allowed to work alone between the hours of 11:00 p.m. and 6:00 a.m. They are also not allowed to 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

Employees under 16 years old are not allowed to work between the hours of 11:00 p.m. and 6:00 a.m. or work:

- on a construction site
- in the industrial or manufacturing processes
- drilling or servicing rigs
- on scaffolds or swing stages
- pruning, repairing, maintaining, or removing of trees

## **How often can young people work?**

During a school week, employees under 16 years old can only work 20 hours or less. During vacations like Christmas and summer, it may be possible to work more. There may also be restrictions on employment permits about when young people can work.

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

The permit system gives parents/guardians, employers and the Employment Standards Branch a chance to investigate if the employment will affect the safety, health or well-being of young people before the employment starts.

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

An application form can be found on the web site at [www.manitoba.ca/labour/standards/forms.html](http://www.manitoba.ca/labour/standards/forms.html) or by contacting the Employment Standards Branch. The application requires information from the applicant, a parent/guardian and the employer. The completed form can be taken, mailed, or faxed to the nearest Employment Standards Branch office.

## **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 does Employment Standards do with applications?**

The Employment Standards Branch reviews the applications to make sure jobs are not hazardous and that the hours make sense for the age. To do this, branch staff may speak with the potential employer, the parents or the applicant. Once the application has been approved, work may begin, and the employer and employee are each mailed a copy of the permit.

## **What happens to the permit if the job changes?**

The permit specifies the job duties the applicant is approved to do. In some cases, job duties or hours of work may change after the employment begins. Either the worker or the employer must call the Employment Standards Branch to update the information on the permit.

Because permits are approved for a specific job with a specific employer, employees looking for a new job with a new employer; must apply for a new permit, even if the job tasks and hours do not change.

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

People under 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m. . People under 16 years of age can not work at all between 11:00 p.m. and 6:00 a.m.

Workplace Safety and Health legislation requires all employers who have employees working alone to have a clear plan that ensures employees' safety. This is needed whenever an employee is asked to work alone, not just at night.

People under 16 years of age may be asked to work alone at times. Usually, the employment permit has special instructions about working alone. Anyone with concerns about working alone, or someone they know working alone, should contact both the Employment Standards Branch and the Workplace Safety and Health Branch to discuss the situation.

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

Yes, young people have the same rights and the same obligations. They are entitled to vacation pay, overtime, minimum wage, general holiday pay and all other rights under The Employment Standards Code. The website at

[www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards) has information on employee and employer rights and responsibilities.

## **Why do young people need to know their rights and obligations to work?**

All employers and employees need to know their rights and obligations before they agree to an employment arrangement. Young people can be vulnerable in a new job and knowing their rights stops them from being taken advantage of in the workplace.

Starting a job is like signing an agreement. Employers have certain responsibilities, but employment agreements also put responsibilities on employees. The legislation does not only protect employees it also protects employers when employees do not meet their obligations. Coming to work when scheduled, following instructions at work and giving proper notice to end a job are all employee obligations.

## **Who is the Employment Standards Branch?**

The Employment Standards Branch is part of Manitoba Labour and Immigration. It administers laws on minimum wages, hours of work, holidays and other workplace benefits. We enforce *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 per cent 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 \$10.00 per hour in most industries. On October 1, 2012, minimum wage will increase to \$10.25 per hour.

## **How often must employees be paid?**

Employees must be paid at least semi-monthly (twice a month) and within 10 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 hours worked over eight that are worked in a day or any hours over 40 worked 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 completing five hours of work. They are entitled to another unpaid break after completing a second, five–hour work period.

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?**

After completing one full year of service employees are entitled to two weeks of vacation. For their vacation they are to be paid four per cent 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 they are to be paid six per cent 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 Branch 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

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.

## **When do employers need to give employees a raise?**

Employers decide if and when employees receive pay raises. There is no requirement for employers to give employees a raise, regardless of how long employees have worked for them.

Employees must be paid 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. Excluded employees are usually those working in domestic service for less than 12 hours a week, or those in a federal or provincial government-sponsored training program. For more information on employees in domestic service or nannies, see the [Domestic workers and live-in nannies](#) page.

## **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) construction sector. 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 workers](#) 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 earn minimum wage and work overtime are entitled to be paid at 1 ½ times their wages. 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; and construction and maintenance of transmission lines.

This is not a complete list – employers and employees who need information about their situations should see the [Heavy Construction Wage Schedule](#) below or contact the Employment Standards Branch 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](#) below.

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

Yes. There are 10 classifications for the heavy sector and each has a minimum wage. Wages for these classifications apply to all heavy construction projects in Manitoba.

The previous wage rates, which were based on number of months of experience, have been removed.

## **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 who do construction work are excluded from the notice requirements. Construction workers and their employers, can terminate employment at any time without notice. The number of years employers and employees work together does not affect the notice requirement.

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

Construction employees who work on general holidays are entitled to overtime wages for all hours worked.

Unlike employees in other industries, construction employees are paid their general holiday pay as a percentage of regular earnings. Regular earnings include vacation wages but do not include overtime wages. Employers can pay the four per cent at the end of the year or on every cheque.

## **When are construction employees paid general holiday pay?**

Construction employees must be paid all general holiday pay by the end of the year. Some employers give general holiday pay on every pay cheque, others pay it all at the end of the year, or in smaller amounts throughout the year. Employees who are not sure how holidays are paid 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 as four percent of their 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 their 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.

## How is construction different from other industries?

There are several different standards in construction including standards for termination of employment, general holidays, minimum wage and hours of work.

## Are the minimum standards the same for all construction employees?

The standards for general holidays and termination of employment are the same for all employees in construction. However, minimum standards for wages and hours of work depend on the type construction job and its location.

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

Employers can pay employees vacation pay and general holiday pay once a year or on every cheque. For vacation pay, employees earn two per cent of their total wages for each week of vacation. Employees who get two weeks vacation receive four per cent of their total wages for vacation pay. Employees who get three weeks vacation earn six per cent.

For example: a construction employee earns \$10,000 in wages, not including overtime. That employee receives \$400 vacation pay and \$416 general holiday pay.

Total gross regular wages (excluding overtime)	\$10,000
Vacation allowance (6% after 5 years)	$(\$10,000 \times 4\%) + 400$
Subtotal	\$10,400
General holiday pay	$(\$10,400 \times 4\%) + 416$
Total pay	\$10,816

More information can be found on the [Vacations and vacation pay](#) page.

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

*The Construction Industry Wages Act* sets the minimum wages for most of the construction industry. It covers employees working in heavy and industrial, commercial and institutional (ICI) sectors. More information on these

can be found on the [Heavy Construction Industry](#) and the [ICI Construction Industry](#) pages.

The rest of the construction industry uses the general minimum wage and standard hours of work outlined in *The Employment Standards Code*. Overtime is payable when hours of work exceed eight in a day and 40 in a week. See the [Minimum wage](#) and [Overtime](#) pages for more details.

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

The ICI and heavy construction sectors do not include:

- house–building
- 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

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