

Filing a Claim

The Employment Standards Code establishes the rights and responsibilities of most employees and employers in Manitoba. Employers and employees are often able to resolve disputes by calling the Employment Standards Branch office or searching the Employment Standards Branch website for information. If employers and employees still disagree on what employees should be paid, a claim may be filed with the Employment Standards Branch. As a neutral third-party, branch staff can investigate and make a decision on what is owed.

What can employees do if they believe they are owed wages?

Employees should first discuss their concerns with their employers. There may have been a mistake or the employer may not realize there is a problem. If there is still a disagreement, employees can contact the Employment Standards Branch for more information, or for information on filing a claim.

Do employers and employees have to file claims if they contact Employment Standards Branch?

No, anyone can call the Employment Standards Branch to get more information. Employment Standards Officers will answer questions and offer help understanding the rights and responsibilities in the workplace. This is not a formal investigation.

When can employees file claims?

Employees who believe their employers did not pay them correctly, can file a claim with the Employment Standards Branch. Claims must be filed within six months of the last day of work or when the incident happened. Employment Standards Staff can only investigate and collect up to six months of unpaid and overtime wages and up to 22 months for vacations and general holiday pay.

What if workplaces are unionized?

Workplaces with unions have specific rules for resolving disagreements. In unionized workplaces, employees should contact their union representatives to find out the proper way to resolve employment standards concerns.

How do employees file claims?

The [Claim form](#) is available on the Internet, or from any Employment Standards Branch office. The Employment Standards Branch will also mail, e-mail or fax claim forms on request. Employment Standards Officers contact both employers and employees to gather more information, as soon as claims are received.

Are appointments needed to file claims?

Claims can be filed any time during office hours. Completed forms can be brought to an Employment Standards Branch office in person, or faxed or mailed to the office. The office address and fax number are on the forms.

Are claims confidential?

Talking to Employment Standards Officers on the general inquiry line is confidential. Once a claim is filed, Officers must investigate and must speak to anyone who has information about the claim, including the employer. That is the only way Officers can make proper decisions.

How long before employees are contacted after filing a claim?

When claims are received by Employment Standards Branch for investigation, officers phone the employers and employees to get more information. Sometimes it can take several weeks for investigations to begin. It depends on the number claims the Employment Standards Branch is processing at the time.

How long before decisions are made?

In some cases, the claims are settled as soon as employees and employers get correct information. Many claims are closed in only a few weeks. Other claims are more complicated and can take months or years to complete.

What happens if complaints aren't settled by cooperation, education and information?

Employment Standards Branch Officers can order employers to provide records needed for an investigation. Once investigations are complete, Officers can either order employers to pay wages or dismiss claims if they find that no wages are owed. Employers can pay the wages voluntarily at any time. However, if employers are ordered to pay wages, Employment Standards Branch administration fees are added to the payment order.

What if employees or employers disagree with an Officers' decisions?

Employers or employees can appeal payment of wages or dismissal orders to the Manitoba Labour Board. Employers who wish to appeal an order must send a written request to Employment Standards within seven days of the order and provide a deposit for the full amount of the order. Employees who wish to appeal an order must also do so in writing within seven days of receiving the order but are not required to provide a deposit.

At this point in the investigation, Employment Standards Officers also provide employers and employees with complete information about appealing a decision, and will answer any questions.

For more information contact Employment Standards:

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

Fax: 204-948-3046

E-mail: employmentstandards@gov.mb.ca

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* and *The Worker Recruitment and Protection Act*, or contact Employment Standards to ask for advice.

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