

## **New Business Owners Fact Sheet**

### **Who is covered by the Employment Standards laws in Manitoba?**

Most employees in Manitoba fall under provincial jurisdiction. The legislation covers employees, people who are employed by employers to do work. Independent contractors are not employees and the legislation does not apply to them.

Parts of legislation do not apply to; agriculture workers, baby sitters, professionals, part-time domestic workers, family members employed in family businesses, some provincial civil servants and temporary election workers. Some employees work in industries that are regulated by the federal rather than the provincial government. These employees are not affected by Manitoba's Employment Standards legislation.

### **Can employers provide more than what the legislation sets as minimum standards?**

Yes, the legislation sets only the minimum workplace standards that must be respected. Many employers provide more benefits, or pay higher wages.

### **What records are employers required to maintain?**

Employers must keep records for all employees that show:

- name, address, date of birth and occupation
- date the employee starts work
- regular wage and overtime wage when employment starts, the dates of changes to the wage and the new wage
- regular and overtime hours of work, recorded separately and daily
- dates wages are paid and the amount paid on each date;
- deductions from wages, dates and reasons for each deduction
- dates of time off taken instead of overtime wages
- dates each general holiday is taken
- dates and wages paid for hours worked or required to be worked on a general holiday;
- start dates of annual vacations, dates work resumes, period of employment in which it is earned, amount of vacation allowance paid and date paid
- amount of outstanding vacation allowance paid upon termination, and payment date
- copies of documents on maternity leave, parental leave, compassionate care leave or other leaves, including dates and number of days taken as leave
- dates of termination of the employment

Employment Standards requires employers to keep these records for at least 3 years. It is important to note that other agencies, such as the Canada Revenue Agency, may require employers to keep different types of records, for different lengths of time.

## **Can an employer provide an electronic pay statement?**

Yes, an employer can provide an electronic pay statement if employees have easy and confidential access. An employer needs to consider the security of the information if they are sending pay statements electronically.

An employer who wants to provide a pay statement electronically must ensure that,

- Employees have access to a computer to view the statement.
- Employees are able to print their pay statements at work.
- Employees have a reasonable expectation of privacy and security in accessing their pay statements.

## **What must a pay statement show?**

Pay statements must show:

- the regular wage and the number of regular hours worked in the pay period
- the overtime wage and any overtime hours worked in the pay period
- all deductions from wages, with a date and reason for each deduction
- the total amount of wages paid to the employee

## **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.

## **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.

## **What is the minimum wage?**

On October 1, 2011 the minimum wage became \$10.00 per hour for most industries.

## **What types of things cannot be deducted from employees wages?**

Employers cannot charge interest or fees for cashing cheques or providing payroll advances. Employers cannot recover business expenses from the wages of employees. For example an employer cannot deduct for cash or inventory shortages, uniforms, or damages.

## **What are the standard hours of work?**

Standard hours of work are the maximum number of hours employees may be required to work at regular wage. In most cases, it is eight hours in a day and 40 hours in a week. Hours worked over the standard hours are considered overtime hours.

## **What are employees paid for overtime?**

Employers who ask or allow employees to work longer than the standard hours of work must pay these employees 1 ½ times their regular hourly wage for each hour worked during overtime.

## **Who controls scheduling?**

Employers make or approve work schedules. Sometimes employers involve employees in schedule decisions, but are not required to do so.

## **How long can employees work without a break?**

Employees must receive a 30 minute unpaid break after every five hours of work. This is the only break required. Many employers will provide coffee breaks, cigarette breaks or other meal breaks. These are allowed as a benefit,

but they are not required.

## **What is considered a break?**

Employees are on their own time during breaks. Employees must be free of all responsibility and be able to leave the workplace during their breaks.

## **What are the general holidays in Manitoba?**

There are eight general holidays throughout the year:

- New Year's Day
- Louis Riel Day (3<sup>rd</sup> Monday in February)
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

Most employees are paid general holiday pay for these days whether they work or not.

## **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.

## **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.

## Can employers give more vacation?

Yes, employers can and often do give employees more vacation than is required by Employment Standards. The minimum amount of vacation employers can provide does not increase beyond 3 weeks of vacation after 5 years of service, employers can choose to provide more if they wish.

## 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.

## What is termination of employment?

Common expressions for termination of employment include:

- fired
- quit
- let go
- discharged
- dismissed
- permanently laid off
- terminated

## Do employees need to give notice of termination?

Yes. The amount of notice depends on how long they've been employed by the same employer:

at least 30 days but less than one year	one week
at least one year	two weeks

## Do employers need to give notice of termination?

Yes. The amount of notice depends on how long employees have worked for the same employer:

at least thirty days but 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 ten years	six weeks
at least ten years	eight weeks

Employers can either allow the employee to work out this notice period, or pay wages in lieu of notice, for the same number of weeks, or a combination of both.

## 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
at least thirty days but 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 ten years	six weeks
at least ten 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, or a combination of both.

### For more information contact Employment Standards:

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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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