



## Frequently Asked Questions on Manitoba Employment Standards

### ➤ 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 the 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.

### ➤ What is the minimum wage?

Minimum wage is \$15.80 per hour effective October 1, 2024.

### ➤ Can a contract offer benefits that are lower than the Employment Standards?

No. Employees cannot agree to work for less than the minimum standards, whether or not a contract exists. There are some provisions that allow employers and employees to agree to different terms, but they can never agree to less than the minimum standards.

### ➤ Are the standards different for part-time employees?

No. All employees are covered by The Employment Standards Code regardless of the number of hours they work. However, because certain wages (such as vacation pay and general holiday pay) are based on a percentage of total earnings, the wages paid to employees will be affected by the number of hours they work.

### ➤ At what age can young people start working?

All young people 13, 14 or 15 years of age must complete the Young Worker Readiness Certificate Course, and obtain a Certificate of Completion that is signed by their parent/guardian before they can work.

### ➤ Are there any restrictions on where young people 13, 14, or 15 years of age can work?

Yes, young people 13, 14, or 15 years of age cannot work:



- On a construction site;
- In industrial or manufacturing processes;
- Drilling or servicing rigs;
- On scaffolds or swing stages;
- Pruning, repairing, maintaining, or removing trees or shrubs;
- At heights more than 1.5 meters;
- With herbicides or pesticides; or
- Without direct adult supervision.

➤ **How many hours per week are young people allowed to work?**

During a school week, young people 13, 14, or 15 years of age can work up to 20 hours per week. During school breaks, young people can work as much as any other employee.

➤ **What additional restrictions apply to young people who are 13 years old?**

Young people who are 13 years of age cannot prepare food if they need to use dangerous tools or machinery such as deep fryers, slicers, grills, or knives. They can still work in food preparation areas doing tasks like washing dishes, mixing salads, or filling drink orders.

➤ **When must employees be paid?**

Employees must be paid at least twice a month, within 10 working days of the end of a pay period. If the employment is terminated, employees must be paid within 10 working days from the date of termination.

➤ **Do employers need to provide pay statements when they pay wages?**

Employers must give employees written pay statements when they are paid, unless the wage payments will be the same over a period of time and the employer provides a statement showing wages to be paid, wage rate, deductions, and net amount on each of the dates. Pay statements are sometimes referred to as pay stubs.

➤ **Can employers provide an electronic pay statement?**

Yes. The Employment Standards Code requires the employer to provide a written statement, which may include an electronic pay statement.

➤ **How much are employees paid for reporting to work?**

When an employer decides to cancel shifts or to send employees home early, those scheduled to work more than 3 hours, and



- Work less than 3 hours, must be paid for at least 3 hours
- Work more than 3 hours, must be paid for all hours worked

If employees are scheduled to work less than 3 hours, they must be paid for their entire scheduled shift. The following table explains what an employee is entitled to be paid if the employer cancels or cuts the shift short. When employees are notified of the change in schedule before reporting to work, they are not entitled to reporting pay.

Scheduled to work	Actually Worked	Must be paid for
3 hours or more	Less than 3 hours	3 hours
Example: 4 hours	Half an hour	3 hours
Scheduled to work	Actually Worked	Must be paid for
Less than 3 hours	Less than scheduled hours	Entire scheduled shift
Example 2.5 hours	Half an hour	2.5 hours

➤ **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. Unauthorized deductions include:

- Fees to cash cheques
- Cost of lost, stolen or broken tools, equipment, products, or faulty service
- Cost of cash or inventory shortages, dine & dashes, or drive offs
- Cost of damage to company property and vehicles (i.e. insurance deductible, parking tickets, or other violations, with the exception of photo radar ticket or a red light camera tickets)
- Cost of personal safety equipment
  - ◆ Safety equipment is an employer's responsibility. There are exceptions for safety headwear and some safety footwear. Contact The Workplace Safety and Health Branch at 204-945-3446 or visit their website safemanitoba.com for more information.
- Cost of a uniform

➤ **Can employers deduct the costs of a uniform, or require employees to buy uniforms?**



No. Uniforms are a direct benefit to employers. Employers cannot make employees buy uniforms.

➤ **What is considered a uniform?**

Employers can require employees to wear a uniform, however, they cannot make employees pay for it. Uniforms are usually clothing that is unique to a business, identified with the employer's logo, symbol, name, or colours, making it of no practical use outside of that workplace. Employees often have no choice in style, colour, or where to buy it.

➤ **Can employers have a dress code?**

Yes. Employers can have a dress code and set standards for employees' appearance while they are working. This may include telling employees to remove jewellery while working, or requiring all serving staff to wear a clean, pressed white shirt and black pants at work. If the dress code requires clothing that would be of no practical use to employees out of the workplace, it is considered a uniform and not a dress code. A dress code would allow the employees to wear their own clothes to work. A common example of a dress code is the loose fitting clothing that identifies nurses in the workplace. Employers can require this attire and do not have to provide or pay for it unless they require a logo or emblem that identifies the company.

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

Standard hours of work are 40 hours a week and 8 hours a day. Employees are entitled to their regular wage rate for work during these hours. If employees work more than the standard hours in a week or in a day, this is overtime and must be paid at the overtime rate.

➤ **Who controls scheduling?**

Employers control schedules. They make or approve work schedules that suit their business needs and can change work schedules at any time. Sometimes employers involve employees in decisions about scheduling, but are not required to do so.

➤ **Who decides when overtime will be worked?**

Employees cannot work overtime without the knowledge or permission of their employers. Employees must be paid at 1½ times their regular wage rate if employers ask, allow, or acknowledge the overtime. Employees and employers can agree, as part of the terms of employment, that a certain amount of overtime is required. Overtime is voluntary or by agreement, except in declared emergencies.



### ➤ **When are employees entitled to breaks?**

Employees are entitled to a 30 minute unpaid break after every five hours of work. Employees are also entitled to at least one day of rest per week.

### ➤ **Can employers change employees' schedules?**

Yes. Employers make schedules that suit their businesses and can change work schedules at any time. This includes deciding to close on a certain day, or to reduce or increase the number of hours they are open each week. Employers can also change employees' schedules after a shift has started. If employees are scheduled for 3 hours or more and the employer ends the shift early, wages must be paid for 3 hours or for the time worked, whichever is greater.

### ➤ **What is the overtime wage rate?**

Employees are paid 1 ½ times their regular hourly wage for each hour (or part of an hour) worked during overtime.

### ➤ **Can employees bank overtime and take time off later?**

Yes. Employers and employees can agree in writing to bank overtime. The agreement must follow these rules:

- Employers must schedule time-off during the employee's regular hours;
- For each hour of overtime worked, 1 ½ hours of time is banked, which is paid at the regular wage rate when the employee takes the time-off;
- Employers must provide the time-off within three months of it being earned, unless Employment Standards authorizes a longer period.

### ➤ **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.

### ➤ **What leaves are available to employees?**

There are 14 leaves employees may take without fear of losing their job.

They are:

- Maternity Leave
- Parental Leave
- Family Leave



- Bereavement Leave
  - ◆ Unpaid Leave for death of a family member
  - ◆ Unpaid Leave for loss of a pregnancy
- Compassionate Care Leave
- Long-Term Leave for Serious Injury or Illness
- Interpersonal Violence Leave
- Citizenship Leave
- Leave Related to Critical Illness • Leave Related to Death or Disappearance of a Child
- Reservist Leave
- Leave for Organ Donation
- Public Health Emergency Leave
- COVID-19 Vaccination Leave

### ➤ **Are there programs to pay employees while on leave?**

The federal government has income support programs to cover certain types of leave. To learn more, call Service Canada toll-free at 1 800 O-Canada (1-800-622-6232).

### ➤ **What happens when the leave ends?**

Employees must be returned to the position the employee occupied when the leave began or to a comparable position, with no less than the pay and benefits the employee earned immediately prior to the leave.

### ➤ **What if the employee's job is no longer available?**

Generally, employees should be returned to the job they had before the leave. However, if the job is no longer available, they must be given a similar position with the same or greater benefits and pay.

There may be some situations where employers do not have a position available for reasons completely unrelated to the leave. For example, employees who are on unpaid leave would not necessarily be protected from losing their jobs if the employer shut down part of their operations and reduced their workforce based on a seniority system. Employers must show the leave has no impact on the decision to lay-off or terminate the employment.

### ➤ **Who qualifies for maternity leave?**

Employees who have worked with the same employer for at least seven consecutive months and are expecting to give birth to a child are entitled to take maternity leave.

### ➤ **Who qualifies for parental leave?**



Employees who have worked with the same employer for at least seven consecutive months and have become a parent by birth or adoption are entitled to the leave.

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

There are nine general holidays throughout the year:

- New Year's Day
- Louis Riel Day (3rd Monday in February)
- Good Friday
- Victoria Day
- July 1
- Labour Day
- Orange Shirt Day (National Day for Truth and Reconciliation)
- Thanksgiving Day
- Christmas Day

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

All employees receive general holiday pay unless:

- They are scheduled to work on a general holiday, but are absent without the employer's permission.
  - They are absent without the employer's permission from their last scheduled workday before the holiday, or their first scheduled workday after the holiday.
- Election officials, enumerators and any other temporary person appointed under The Elections Act are not entitled to general holiday pay.

### ➤ **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 on the day in addition to their general holiday pay.

### ➤ **Can my employer discriminate based on my religion and disability?**

No. According to the Manitoba Human Rights Code, an employer's failure to make reasonable accommodation for the special needs of any individual or group based on religion or creed, religious belief, religious association or religious activity, physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device, is considered discrimination.

**For more information contact Employment Standards:**



Healthy Muslim Families

Head off: 117A St. Anne's Rd, Winnipeg, MBR2M 2Z1 | (204)202.6491 | [info@healthyMuslimFamilies.ca](mailto:info@healthyMuslimFamilies.ca)

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

**Fax:** 204-948-3046

**Website:** [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)

**And, see the Human Rights Code of Manitoba.**

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.