

## **What are the Employment Standards: Your rights and responsibilities**

### **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 Employment Services 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?**

Effective April 1, 2008 the minimum wage is \$8.50 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. 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 a second meal 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

## **Do Employers need to provide transportation to or from work?**

When an employer's place of business and an employee's residence are located within the boundaries of a city or town, the employer must provide the employee with adequate transportation between the residence and the work place when the employee's hours of work begin or end after 12 midnight and before 6:00 a.m. The only exception is if the employee is a police officer.

## **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.

## **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.

## **When can employees take vacation?**

After completing one full year of service employees are entitled to two weeks of vacation. While on 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. While on 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.

As of April 30, 2007 people under 18 years of age are prohibited from working in forestry, saw or pulp mills, in confined spaces underground in a mine or on the face of open pit quarries and in removing asbestos.

People under 16 years of age are prohibited from working on construction sites, drilling or servicing rigs, scaffolds or swing stages, in industrial or manufacturing processes and pruning, repairing, maintaining or removing trees.

People under 16 years of age are prohibited from working more than 20 hours per week during school. They are also prohibited from working between the hours of 11:00 p.m. and 6:00 a.m.

People under 18 years of age are prohibited from working alone from 11:00 p.m. to 6:00 a.m.

More information on employment permits and employment of young people can be found on the [Young Employees](#) page.

## 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.

## 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.

## For more information contact the Employment Standards Branch:

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Website: [www.manitoba.ca/labour/standards](http://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*, or contact the Employment Standards Branch to ask for advice.

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