

Hours of Work and Breaks

What are the standard hours of work?

Employers can require employees to work up to eight hours in a day and 40 hours in a week as standard hours of work.

Employees who work more than the standard hours are entitled to overtime pay for them.

Who controls scheduling?

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

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 reduce the number of hours they are open each week.

Can employees change schedules?

Employers control schedules. Some employers allow employees to switch shifts with co-workers or change schedules. For workplaces that do not allow this, schedule changes must be discussed with the employers.

Do employers need to pay overtime when schedules have been changed?

If employees work overtime, they must be paid overtime wages. Employers cannot refuse to pay overtime because the overtime resulted from a switched shift. Employers who allow employees to switch shifts may set a policy that prevents employees from changing shifts in a way means other employees must work overtime.

Can employers change schedules even after shifts have started?

Employers can ask employees to end their shifts, or start additional ones. As of April 30, 2007, employees generally must be paid for the length of their shifts or for three hours, whichever is less, once they have reported for work. More information can be found on the [Wages for reporting for work](#) page.

Do employees need permission to take bereavement or family leave?

No, employees must provide employers with as much notice as possible when taking these leaves, but they do not need employers permission. Employees may take three unpaid days off, each year, to deal with the family needs. They may also have three unpaid days off to deal with the death of a family member. More information about these unpaid leaves can be found on the [Family leave](#) or [Bereavement leave](#) pages.

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.

Must employees be paid for their breaks?

Employers do not need to pay for break periods, however they may choose to do so.

Can employers be excluded from the break requirement?

Yes, until April 30, 2007, employers can apply to the Manitoba Labour Board for a meal break variance. After April 30, 2007, they must apply to the Employment Standards Branch. Both the board and the branch will look at the circumstances of the employer and the opinions of the employees when considering a meal break variance. Unionized workplaces may have different provisions for work breaks.

Are breaks included when calculating overtime?

Breaks are not included in overtime calculations. For example: employees who work from 9:00 a.m. to 5:30 p.m. with 30 minutes for lunch, have worked an eight-hour day. Keeping accurate records will show when employees have worked and when they are on breaks.

Do employees get a day off each week?

Most employees are entitled to a rest period of not less than 24 consecutive hours each week. Domestic and residential care workers must receive at least 36 consecutive hours of rest, when they are not required to perform work, each week. Employees can choose not to take the day off if there is work available from the employer.

Are employees entitled to the same day off each week?

No, scheduling is the employer's responsibility. The weekly day of rest does not need to be the same day each week.

Are employees paid for the day of rest?

No. Employers are not required to pay wages for a weekly day of rest.

Can employers apply to be excluded from the weekly day of rest?

Employers can apply to the Manitoba Labour Board until April 30, 2007, and to the Employment Standards Branch after April 30, 2007, for a variance to exclude them from the weekly day of rest. Employers need to show that a day of rest:

- is an undue hardship to the employer
- is of little or no benefit to the employees because the remote location of the business
- unduly restricts the operation of the business that operates only part of the year
- causes severe loss to the business owing to the circumstances in which it operates

Who is excluded from a weekly day of rest?

Security personnel, caretakers and power engineers who live in the buildings where they work are not required to have a weekly day of rest. Employees working during a declared emergency or employees who perform management functions primarily are also excluded.

For more information contact the Employment Standards Branch:

Phone: 204-945-3352; or toll free in Manitoba 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 the Employment Standards Branch to ask for advice.

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