

COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION	
<ul style="list-style-type: none"> • child care workers in a daycare • Income tax workers who are employees of H & R Block • credit union and trust company employees • server in a restaurant • sales associate • office worker • daycare worker • factory worker • warehouse worker • receptionist • cleaner AND MANY, MANY MORE..... 	<p>Employees covered by the Employment Standards Laws in Manitoba can phone the Employment Standards office or search the Employment Standards website for information.</p> <p>Employees should first discuss their concerns with their employers, as there may have been a mistake or the employer may not realize that there is a problem. If there is still a disagreement, employees may contact the Employment Standards for more information or to file a claim.</p>
NOT COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION	
<p><u>Under Federal Jurisdiction:</u></p> <ul style="list-style-type: none"> • employees of Revenue Canada • elections Canada workers <p><u>Industries including:</u></p> <ul style="list-style-type: none"> • railways, highway transport, trucking, pipelines, ferries, tunnels, bridges, canals, telephone and cable systems • all extra-provincial shipping and services connected with shipping, air transport, aircraft, airports and aerodomes • radio and television broadcasting • banks • flour, feed and seed cleaning mills, feed warehouses, grain elevators and uranium mining and processing • federal Crown corporations or agencies of the Crown, such as the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority <p>These industries fall under the Canadian Labour Code which is enforced by Human Resources and Social Development Canada (HRSDC). They can be reached at 983-6375 in Winnipeg, or toll free at 1-800-641-4049</p>	<p><u>Parts of the legislation do not apply to:</u></p> <ul style="list-style-type: none"> • babysitters who work in a family home for less than 12 hours a week • people who run a daycare out of their home and have no staff • professionals which have governing bodies (doctors, lawyers, etc) • part-time domestic workers • temporary election workers • self-employed • independent contractors <div style="text-align: center;">  </div> <p>(Signing a document doesn't make a person an independent contractor. It is the nature of the relationship between both parties that determines if someone is truly an independent contractor.)</p>



STUDENT ROLE PLAY SCRIPT

PHONING EMPLOYMENT STANDARDS

Officer: Hello, Employment Standards, _____ speaking. How may I help you?

Employee: I'm calling to see if my job is covered by *The Employment Standards Code* laws of Manitoba.

Officer: It probably is, because 90% of the jobs in Manitoba are. What do you do?

Employee: *(Choose one of the following)* I work with people/numbers/machines. *(e.g. If the employee was a daycare worker he/she would say he/she worked with people.)*

Officer: *(Asks more questions to get details about the job, using the "5 W's: what, where, when, why, and who. The employee should answer the questions without stating the job directly.)*

- What do you do? *(e.g. "I read story books to children and play with them.")*
- Where do you work? *(e.g. "I work in buildings that are decorated with bright colours.")*
- When do you work? *(e.g. "I work during the day, sometimes from 7 am to 3 pm.)*
- Why do you like this job? *(e.g. "I like working with young children.")*
- Who do you work with? *(e.g. "I work with children whose parents are busy working.")*

Officer: You must be a _____ *(e.g. childcare worker working in a daycare).* You are/aren't covered by Employment Standards. *(e.g. In this example, the employee is.)*

Employee: That's good to know. Where else can I get more information?

Officer: On our website, located at <http://www.manitoba.ca/labour/standards/>. If you have concerns, discuss them with your employer first, and phone us back if you have any more questions.

Employee: Thanks for your help. Bye.



FILING A COMPLAINT

READING THE EMPLOYMENT STANDARDS COMPLAINT FORM

1. (a) Where is the Employment Standards located? _____
(b) Which floor is it on? _____
2. What will happen after this complaint form is filled out? (see the “*”) _____

3. How much time does the employee have to file the complaint? _____
4. What happens after the complaint is filed?

5. Who is the problem referred to if an Employment Standards Officer can't solve the problem? _____
6. What happens if the matter goes to a hearing?

7. What is the address of the web site? _____
8. What is the phone number in Winnipeg? _____
9. What is the toll free phone number? _____

OPTIONAL ACTIVITY:

Go to the web site and research a question that interests you.

E-mail for more information:
Employmentstandards@gov.mb.ca



EMPLOYMENT STANDARDS COMPLAINT FORM
FORMULAIRE DE PLAINTE EN VERTU DES NORMES D'EMPLOI*



This complaint is made by: / La présente plainte est déposée par

Name / Nom		Home Phone #: /N° de téléphone (résidence) :	
Address: / Adresse :		City / Town : Ville / mun. :	
Prov.	Postal Code: / Code Postal	Work Phone #: /N° de téléphone (travail) :	Fax #: /N° de télécopieur :
Email: / Adresse électronique :		Cell Phone #: /N° de téléphone cellulaire :	
What is the best way to contact you between 8:30 a.m. and 4:30 p.m.? / Quel serait le meilleur moyen de communiquer avec vous entre 8 h 30 et 16 h 30?			

This complaint is made against: / La présente plainte est déposée contre

Business Name / Nom d'entreprise		Work Phone #: /N° de téléphone (travail) :	
Address: / Adresse :		City / Town : Ville / mun. :	
Prov.	Postal Code: / Code Postal	Cell Phone #: /N° de téléphone cellulaire :	Fax #: /N° de télécopieur :
Email: / Adresse électronique :		Home Phone #: /N° de téléphone (résidence) :	

Is the business still operating? / Est-ce que l'entreprise est toujours en exploitation? _____

What is the employer's type of business? / Quel est le genre d'entreprise de l'employeur? _____

Complainant Signature: / Signature du plaignant : _____ Date : _____

Office use only / Réservé au bureau	
Date received / Date de réception	Receiving Officer / Agent réceptionnaire
File Number / N° de dossier	S.I.C. / N.A.S.

Employment Standards / Division des normes d'emploi
 604 – 401 York Ave. / 401, avenue York, bureau 604, Winnipeg, MB R3C 0P8
 Tel.: / Téléphone : (204) 945-3352 or/ou 1-800-821-4307 Fax: / Télécopieur : (204) 948-3046

Employment Standards is collecting the personal information on this form under the Authority of and for the purposes of providing services and carrying out its responsibilities under The Employment Standards Code and/or The Construction Industry Wages Act and/or The Remembrance Day Act. These responsibilities may result in employment Standards disclosing the information to other bodies, including the Manitoba Labour Board. The information is protected by the protection of privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any question about this collection of information, please contact the Manager of Client Services, 604-401 York Avenue, 945-3352 or 1-800-821-4307

Normes d'emploi recueille les renseignements personnels contenus dans le présent formulaire en vertu du Code des normes d'emploi, de la Loi sur les salaires dans l'industrie de la construction ou de la Loi sur le jour du Souvenir, afin de fournir des services et de s'acquitter de ses responsabilités conformément aux dispositions législatives précitées. En raison de ces responsabilités, la Direction pourrait divulguer ces renseignements à d'autres organismes, notamment à la Commission du travail du Manitoba. Les renseignements personnels sont protégés par les dispositions pertinentes de la Loi sur l'accès à l'information et la protection de la vie privée. Si vous avez des questions sur la collecte de ces renseignements, veuillez communiquer avec le gestionnaire des Services à la clientèle, 401, avenue York, bureau 604, 204 945 3352 ou 1 800 821-4307.

Filing a Complaint

Employees who believe they are owed money from their employer for work completed can file a complaint with Employment Standards.

The complaint must be filed within six months of the last day of employment.

Can I file a complaint without giving my name?

This complaint process is not anonymous. We must speak to you and your employer to resolve the complaint. If you want to let us know about an Employment Standards situation at work, call or email us.

Do you work in a federal industry?

If you work in any of the industries regulated by the federal legislation - for example airlines, banks, railways, TV and radio stations - you must contact the federal Human Resources Development Canada-Labour Program to file a complaint:

1-800-641-4049

What happens after I file a complaint?

An Employment Standards Officer will need to speak to you and the employer to gather information, review the facts and the applicable legislation, and work toward resolving the complaint.

The Officer will not advocate for either the employer or the employee. The legislation will be applied to each situation.

The length of time to resolve each complaint is different

depending on whether the issues are complex and if the claim can be resolved voluntarily or through a legal Order.

Either the employer or employee may appeal an Employment Standards Order to have the matter heard by the Manitoba Labour Board. At an appeal hearing, the employer and employee must testify and present evidence to prove their case to the Manitoba Labour Board.

How to Contact Us / Comment communiquer avec nous

Visit our Web Site at/ *Visitez le site Web*
www.manitoba.ca/labour/standards

Fax number / N° de télécopieur : (204) 948-3046

Winnipeg – (204) 945-3352 or / ou 1-800-821-4307 (toll free)
 604 – 401 York Avenue R3C 0P8 / 401, avenue York, bureau 604, R3C 0P8

Brandon – (204) 726-6370
 340 – 9th Street R7A 6C2 / 340, 9^e Rue, R7A 6C2

Thompson – (204) 677-6664
 PO Box 19, 59 Elizabeth Road R8N 1X4 / CP19, 59, chemin Elizabeth, R8N 1X4

Dépôt d'une plainte

Les employés qui croient que leur employeur leur doit de l'argent pour du travail accompli peuvent déposer une plainte auprès de la Direction des normes d'emploi.

La plainte doit être déposée dans les six mois suivant la dernière journée de travail.

Est-ce que je peux déposer une plainte sans donner mon nom?

Ce processus de plainte n'est pas anonyme. Pour régler la plainte, nous devons vous parler à vous et à votre employeur. Si vous désirez nous signaler un problème lié aux normes

d'emploi au travail, veuillez communiquer avec nous par téléphone ou par courriel.

Travaillez-vous dans un secteur réglementé par le gouvernement fédéral?

Si vous travaillez pour l'une des industries régies par les lois fédérales (ligne aérienne, banque, société de chemin de fer, station de radio ou de télévision, etc.), vous devez communiquer avec le Programme du travail de Ressources humaines et Développement des compétences Canada en composant le numéro sans frais : 1 800 641-4049.

Que se passe-t-il après le dépôt d'une plainte?

Afin de régler la plainte, un agent des normes d'emploi aura besoin de communiquer avec vous et l'employeur pour recueillir des renseignements et examiner les faits et les mesures législatives applicables.

L'agent ne prend parti ni pour l'employeur, ni pour l'employé. Les mesures législatives s'appliqueront dans chaque cas.

Le temps nécessaire pour régler une plainte varie en fonction de sa complexité et selon que la plainte est réglée de manière volontaire ou au moyen d'un ordre juridique.

L'employeur ou l'employé peut interjeter appel d'une ordonnance rendue par la Direction des normes d'emploi en demandant que la question fasse l'objet d'une audience de la Commission du travail du Manitoba. Si une audience a lieu, l'employeur et l'employé doivent témoigner et présenter des preuves à l'appui de leur cas devant la Commission du travail du Manitoba.



LISTENING ACTIVITY

In the dialogue, a radio interviewer is interviewing an Employment Standards officer to get information about young workers.

1. How old must a person be to work?
2. Are there restrictions on when young people can work?
3. How often can young people work?
4. Can young people work alone?
5. Do young people have the same rights as other employees?

LAWS TO PROTECT YOUNG WORKERS

LISTENING TRANSCRIPT



Radio announcer: Well, recently we've heard on the news, that more and more children and young people are working. This has got me thinking. Are there any laws about children and young people in the workplace? I'm pleased to welcome to our studio an Employment Standards officer, Allan. Welcome to our studio, Allan.

Employment Officer: Thanks. I'm glad to be here.

Radio announcer: Now I have some questions for you - how old must a person be to work?

Employment Officer: They must be at least 12 years old, and until they're 16 years old, they need a Child Employment Permit to work.

Radio announcer: Are there restrictions on when young people can work?

Employment Officer: Yes. Children under the age of 16 cannot work between the hours of 11 pm and 6 am.

Radio announcer: So they can't work at night.

Employment Officer: That is correct.

Radio announcer: And how often or how many hours can young people work?

Employment Officer: During the school year, children under 16 can only work a maximum of 20 hours a week.

Radio announcer: I guess that is so they can concentrate on their studies.

Employment Officer: That is correct.

Radio announcer: Can young people work alone?

Employment Officer: Our policy is that children under 16 have adult supervision at all times.

Radio announcer: Hmm... But, do young people have the same rights as other employees?

Employment Officer: Yes, of course. Most employees in Manitoba have the same rights.

Radio announcer: And a final question for you. How can people get a hold of you if they have more questions?

Employment Officer: They can call our general inquiry line at 204-945-3352, or they can drop by our office, during office hours, at room 604, 401 York Ave.

Radio announcer: Thanks very much.

Employment Officer: You're very welcome.