

# Employment Standards: *An Overview*

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# Employment Standards

- Enforce minimum standards that apply to most employees in Manitoba
- Does **not** cover every aspect of the workplace relationship
- Does **not** allow employees and employers to agree to work for less than the minimum standards



# Employment Standards

The key topics that will be covered today are:

- Minimum Wage
- Payment of Wages
- Termination
- Reporting to Work
- Hours of Work & Overtime
- Breaks & Day of Rest
- Vacation
- General Holidays
- Protected Leaves
- Young Employees

# Minimum Wage

Minimum wage is **\$11.65 per hour** as of Oct 1

- Employees cannot be paid less than minimum wage, whether they are paid a salary, a wage, or by the piece
- Employees can be paid more than minimum wage
- The minimum wage is different for some construction workers

# Payment of Wages

- Employees must be paid at least 2 times a month
- Can be paid by cash, cheque or direct deposit
- Wages must be paid within 10 days of the end of a pay period (5 days in construction)
- Employers are not allowed to withhold an employee's pay

# Payment of Wages

- Employers must provide each employee with a pay statement that includes:
  - Regular hours
  - Overtime hours
  - Rate of pay
  - Deductions, with a reason
  - Net wages paid

# Payment of Wages

Sample Company Inc.		Earnings Statement	
Employee: <i>John Wang</i>		Period Ending: 15/01/2010	
		Pay Date: 21/01/2010	
<b>Earnings</b>			
	Rate	Hours	Amount
REGULAR	12.00	80.00	960.00
OVERTIME	18.00	10.00	180.00
			<b>Gross Pay 1,140.00</b>
<b>Deductions</b>			
MERCs		Income Tax	-170.48
		EI	-19.72
		CPP	-49.77
Company Mandatory		Health Insurance	-64.00
		Registered Pension Plan	-25.00
		Union Dues	-10.00
Company Optional		Canada Savings Bonds	-5.00
			<b>Net Pay 796.03</b>





# Ending Employment

- Notice from **Employee to Employer:**

## Length of Employment

Less than 30 days

30 days to 1 year

More than 1 year

## Required Notice

No Notice

1 Week Notice

2 Weeks Notice

# Ending Employment

There are some **exceptions** to notice:

- the employee is working in construction
- the period of employment is for a fixed, specified term
- the employer can show that the employee was terminated for Just Cause



# Overtime and Hours of Work

- Regular hours of work: **8 per day and 40 per week**
- Examples:

	<u>S</u>	<u>M</u>	<u>T</u>	<u>W</u>	<u>T</u>	<u>F</u>	<u>S</u>	<u>Total</u>	<u>Reg.</u>	<u>OT</u>
1)		8	8	8	8	8	8	48	40	8
2)		8	6	6	8	10		38	36	2

# Overtime

- Overtime is paid at 1½ times the regular wage rate
- Most employees are entitled to overtime wages if they work more than the regular hours
- Regular hours are different in some industries (eg. construction) or if there is an averaging permit in the workplace
- Employees must have permission to work overtime
- Employees are not normally required to work overtime

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# Breaks and Day of Rest

- Employees are entitled to a break after every five hours of work
- Breaks must be at least 30 minutes and are not required to be paid
- Employers can choose to offer additional breaks
- Employees are entitled to one day of rest each week

# Deductions from Wages

- Employees must be paid for all hours worked
- Deductions must be of **direct benefit** to employees
- Allowable deductions include:
  - Statutory deductions (income tax, EI, CPP)
  - Court orders or garnishments
  - Recovery of pay advances or errors
  - Any other deduction that is a direct benefit







# Vacation

- Employees start earning vacation pay from their first day of work with an employer
  - After working 1 year for the same employer, employees get **two weeks** of vacation leave and **4%** of their gross regular wages
  - After 5 consecutive years with the same employer, employees get **three weeks** of vacation leave and **6%** of their gross regular wages



# General Holidays

- There are eight General Holidays in Manitoba:

- **New Year's Day** (January 1<sup>st</sup>)
- **Louis Riel Day** (3<sup>rd</sup> Monday in February)
- **Good Friday** (Friday before Easter)
- **Victoria Day** (Monday before May 25<sup>th</sup>)
- **July 1st** (Canada Day)
- **Labour Day** (1<sup>st</sup> Monday in September)
- **Thanksgiving Day** (2<sup>nd</sup> Monday in October)
- **Christmas Day** (December 25<sup>th</sup>)



# General Holidays

- General Holiday pay is calculated at 5% of the gross wages in the four-week period before the holiday
- Employees are eligible unless they miss the last shift before or the first shift after the holiday without the employer's permission

## General Holidays

- Most employees will be paid 1½ times their regular wage for the hours worked on the holiday
- Some exceptions are:
  - Restaurants
  - Hotels
  - Gas Stations
  - Hospitals
- Employees working in these industries will be paid regular wages for work on the holiday

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## Leaves of Absence

- Employers are required to give employees time off for a specified leave and allow them to return to their job or a comparable one after the leave
- Employers are not required to pay wages during most leaves however you may qualify for benefits through Employment Insurance (E.I.)
- For information, contact the Government of Canada at 1-800-O-Canada (1-800-622-6232)

## Definition of Family

- “Family” is defined very broadly for unpaid leaves, and includes:
  - Children, stepchildren, parents, grandparents, spouses, common-law spouses, aunts, uncles, nieces, nephews are all considered family
  - a person who is not related by blood or marriage, but is considered as a family member

## Leaves of Absence (cont...)

<b>Leave:</b>	<b>Length of Leave:</b>	<b>Qualify:</b>
Maternity	17 weeks	7 months
Parental	63 weeks	7 months
Reservist	While serving in Reserves	7 months
Compassionate Care	28 weeks	90 days
Serious Injury or Illness	17 weeks	90 days
Continued...		

## Leaves of Absence (cont...)

Leave:	Length of Leave:	Qualify:
Domestic Violence	10 days (5 paid) and 17 weeks	90 days
Family	3 days	30 days
Bereavement	3 days	30 days
Organ Donor	13 weeks	30 days
Citizenship Ceremony	4 hours	30 days
Continued...		

## Leaves of Absence (cont...)

Leave:	Length of Leave:	Qualify:
Leave Related to Death or Disappearance of a Child. If, as a result of a crime: <ul style="list-style-type: none"> <li>• the child has disappeared</li> <li>• the child has died</li> </ul>	52 weeks 104 weeks	30 days
Leave for family members of a critically ill child or adult	37 weeks	30 days
	17 weeks	90 days





## Where to Find Us

- Telephone:  
*1-800-821-4307* or *204-945-3352*
- Website:  
[www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)
- Visit our office in Winnipeg, Monday - Friday  
8:30 a.m. to 4:30 p.m.:  
*Room 604 - 401 York Avenue*