

# **Employment Standards:** *An Overview*



# 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 **\$11.90 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 business days of the end of a pay period (5 business 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.**

Employee: *John Wang*

**Earnings Statement**

Period Ending: 15/01/2010

Pay Date: 21/01/2010

**Earnings**

	Rate	Hours	Amount
REGULAR	12.00	80.00	960.00
OVERTIME	18.00	10.00	180.00

**Gross Pay 1,140.00**

**Deductions**

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

**Net Pay 796.03**

# Ending Employment

- Notice from **Employer to Employee:**

Length of Employment

Required Notice

Less than 30 days

No Notice

30 days to 1 year

1 Week Notice

1 year to 3 years

2 Weeks Notice

3 years to 5 years

4 Weeks Notice

5 years to 10 years

6 Weeks Notice

10 years or more

8 Weeks Notice



# 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

## Reporting to Work

- Wages for reporting to work apply when employees show up to work and are sent home by the employer before the end of their scheduled shift.
- Employees are paid whichever is more, actual time worked or three hours.
- Employers can schedule a shift less than three hours.

# Overtime and Hours of Work

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

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total Hours	Regular Hours	Overtime Hours
Week 1		8	8	8	8	8	8	48	40	8
Week 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

# 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

# Deductions from Wages

- Employers **cannot** deduct for:
  - Broken, stolen or damaged property
  - Faulty or poor quality work
  - Customer theft
  - Cash or inventory shortages
  - Safety equipment
  - Interest or other fees for cash advances or cashing cheques
- These items cannot be deducted even if the employee agrees



# Deductions from Wages

- **Uniforms or Special Clothing**
  - Uniforms are unique clothing to that employer
  - Employers cannot charge for uniforms
- **Dress Code**
  - Employers can establish a dress code
  - Dress codes are not unique to that employer and can be worn outside of employment
  - Employees must be allowed to purchase the clothing from a place of their choice

# Deductions from Wages



Uniforms



Dress Code

# 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

# Vacation

- Employers must give employees their annual vacation within 10 months of it being earned
- If the employee and employer cannot agree on when the vacation is to be taken, the employer can give 15 days notice to schedule the vacation time

# 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

## 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	3 months
Compassionate Care	28 weeks	90 days
Serious Injury or Illness	17 weeks	90 days
Continued...		

## Leaves of Absence(cont...)

<b>Leave:</b>	<b>Length of Leave:</b>	<b>Qualify:</b>
Interpersonal 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

# Young Employees

- **Employees under 16 years old:**
  - Must complete the YWRCC before they can work
  - Cannot work from **11:00pm to 6:00am**
  - Cannot work more than **20 hours** during a week of school
  - Cannot work in some industries

# Young Employees

- Employees **under 18** years old:
  - Cannot work **ALONE** between 11:00pm and 6:00am
  - Cannot work in certain industries

## Contact Information

- **Telephone:**  
*1-800-821-4307* or *204-945-3352*
- **Website:**  
[www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)
- **Hours of operation**  
Monday - Friday 8:30 a.m. to 4:30 p.m.