

## Filing a Claim

The *Employment Standards Code* establishes the rights and responsibilities of most employees and employers in Manitoba. Employers and employees are often able to resolve disputes by speaking with Employment Standards or finding information from our website. If employers and employees still disagree on what employees should be paid, a claim may be filed with Employment Standards. As a neutral third-party, Employment Standards can investigate and make a decision on what is owed.

### What can employees do if they believe they are owed wages?

Employees should first discuss their concerns with their employers. There may have been a mistake or the employer may not realize there is a problem. Employment Standards can provide general information through its inquiry line to help employers and employees understand their rights and obligations.

If the dispute cannot be resolved, employees who believe their employer is not following the law can file a complaint with Employment Standards. It is important to know that Employment Standards can only consider complaints that are filed within 6 months from the last day worked or 6 months after the wages were due to be paid.

A complaint form must be filled out and submitted to the office for an investigation to begin. Forms are available from any Employment Standards Office, or online at the [Claim Form page](#).

### Does a claim have to be filed when contacting Employment Standards?

No. Anyone can call Employment Standards to get information. Employment Standards Officers will answer general questions and offer help understanding the rights and responsibilities in the workplace. This is not a formal investigation.

## **When can employees file claims?**

Employees who believe their employers did not pay them correctly can file a claim with Employment Standards. Claims must be filed within 6 months of the last day of work or 6 months after the wages were due to be paid. Employment Standards can only investigate and collect up to 6 months of unpaid regular and overtime wages, and up to 22 months for unpaid vacations and general holiday pay.

## **What if workplaces are unionized?**

Workplaces with unions have specific rules for resolving disagreements. In unionized workplaces, employees should contact their union representatives to find out the proper way to resolve employment standards concerns.

## **How do employees file claims?**

Filing a claim can be done in person at an Employment Standards office, or claim forms can be downloaded from the website and returned to Employment Standards in person, by fax or mail. The office address and fax number are on the forms. An Employment Standards Officer will contact both the employer and employee to gather more information after a claim is received.

## **Are appointments needed to file claims?**

Appointments are not needed to file claims. Claims can be filed in person at any time during office hours, or claim forms can be downloaded from the website and returned to Employment Standards by fax or mail. The office address and fax number are on the forms.

## **Are claims confidential?**

The Employment Standards' general inquiry line is confidential, but once a claim is filed, Officers must investigate and speak to anyone who has information about the claim, including the employer. This allows Officers to make proper decisions based on their investigation.

## **How long before employees are contacted after filing a claim?**

Sometimes it can take several weeks for investigations to begin. It depends on the number of claims Employment Standards is processing at the time. When claims are received by Employment Standards, Officers start the investigation by contacting the employer and employee to get more information.

## **How long before decisions are made?**

Some claims are settled as soon as employees and employers learn about their rights and obligations. Other claims are more complicated and can take months or years to complete.

## **What happens if complaints aren't settled voluntarily?**

If complaints are not settled voluntarily, Employment Standards Officers can either dismiss employees' claims, or order employers to pay wages when wages are owed. If employers are ordered to pay wages, administration fees are added to the payment order.

## **What if employees or employers disagree with a decision by Employment Standards?**

Employers or employees can appeal orders to the Manitoba Labour Board. Employers who wish to appeal an order must send a written request to Employment Standards within seven days after the order is served. A deposit for the full amount of the order must accompany the request.

Employees who wish to appeal an order dismissing their claim must also do so in writing within seven days of receiving the order, but are not required to provide a deposit.

Employment Standards Officers will provide employers and employees with complete information about appealing a decision and will answer any questions about the process.

## **For more information contact Employment Standards:**

Phone: 204-945-3352 or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

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*, *The Construction Industry Wages Act*, *The Worker Recruitment and Protection Act*, or contact Employment Standards.

**Available in alternate formats  
upon request.**

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