

Minimum Rights and Responsibilities

The Employment Standards Code establishes the rights and responsibilities of most employees and employers in Manitoba. Although this legislation does not address all workplace situations, it outlines some basic rules employers and employees must follow.

What are employment standards?

The Employment Standards Code and The Construction Industry Wages Act set the minimum standards for workplaces that fall under provincial jurisdiction. These laws help all Manitobans by setting a basic level of rights and responsibilities that employees and employers must maintain in the employment relationship.

Who is protected by employment standards?

Employment standards help balance the interests and needs of both employers and employees. Many of these protections and benefits improve working conditions for employees who do not have the bargaining power of unions or employee groups. This legislation also creates a level playing field for employers and ensures they all meet basic standards when directing their employees.

Can employers provide more than what the legislation sets as minimum standards?

Yes, the legislation sets only the minimum workplace standards that must be respected. Many employers provide more benefits.

What is the minimum wage?

The minimum wage is \$8.00 per hour. It will increase to \$8.50 on April 1, 2008.

Minimum wage is different in the construction industry depending on the occupation. For more information, see the [Construction industry](#) page.

When must employees be paid?

Employees must be paid at least semi-monthly (twice a month) and within 10 days of the end of a pay period.

When are employees entitled to breaks?

Employees are entitled to a 30 minute unpaid break after completing five hours of work. They are entitled to a second meal break after completing a second, five-hour work period.

Employees are also entitled to at least one day of rest per week.

For more information on breaks and a day of rest see the [Hours of work and breaks](#) page

Are employees entitled to a day off?

Yes, employees are entitled to have 24 hours off without pay in each week. Employees can choose not to take the day off, if their employers offer extra work.

Are there exceptions to the weekly day of rest and breaks?

Yes, employers can apply to the Employment Standards Branch to eliminate breaks or a weekly day of rest.

Do Employers need to provide transportation to or from work?

When an employer's place of business and an employee's residence are located within the boundaries of a city or town, the employer must provide the employee with adequate transportation between the residence and the work place when the employee's hours of work begin or end after 12 midnight and before 6:00 a.m. The only exception is if the employee is a police officer.

What are the standard hours of work?

Standard hours of work are the hours employees work for their regular wage. It is usually 40 hours in a week and eight hours in a day. Hours worked over standard hours are overtime hours, and need to be paid at 1 ½ times the regular wage. More information on the standard hours of work can be found on the [Overtime](#) page.

Are there industries where the standard hours of work are different?

In some industries, like construction or landscaping, the standard hours of work are different. More information can be found on the [construction industry](#) page.

In some circumstances, employers can apply to change the standard hours of work. This is sometimes called averaging – where there is an increase in the number of hours that can be worked in each day or in each week but it still averages 40 hours per week.

Can a contract offer benefits that are lower than employment standards?

No, employers and employees cannot agree to work for less than the minimum standard, whether they have a contract or not. There are some situations where employers and employees can agree to different provisions, but

they can never agree to less than the minimum standards.

Are the standards different for part-time employees?

No, the amount employees' work does not change their rights. Some of the standards, such as vacation pay and general holiday pay, are based on a percentage of earnings. Therefore part-time employees may not earn as much as full-time, but they are still entitled to the benefit.

What can employees do if they believe they have not been paid correctly?

Employees with concerns about their wages or who believe their employers might be violating a minimum standard should contact the Employment Standards Branch. Employees can file a claim with an officer who will investigate the situation. See the [Filing a claim](#) page for more details.

For more information contact the Employment Standards Branch at:

Telephone: 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 information is intended as a guide only and is not a legal opinion. For complete information refer to the *Employment Standards Code* or other relevant legislation or contact us for more details.

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