

## Averaging Permits

Employers may apply to change the standard hours of work from the minimum (8 hours per day and 40 hours per week) to a schedule that better fits their business needs. The new schedule may cycle over several weeks but must always average back to 40 hours per week.

### What is the Averaging Permit Application process?

Employers who want to change their business's standard hours of work have to submit an averaging permit application. A Employment Standards Officer will review the application and may call the employer to discuss request and if the permit has been approved.

### What is the Employee Survey?

Employers must use the Employees' Survey to survey each worker who will be affected by the new schedule.

The employer must specify the proposed terms and conditions for the new schedule at the top of the form, and have all affected employees complete a form. At least 75% of the employees must agree to the proposed schedule for the permit to be granted. Employers must send the originals of the completed surveys to Employment Standards. The employer must provide an explanation for any employees unavailable to sign, such as those on leave.

Download the Employees' Survey from [www.manitoba.ca/labour/standards/forms.html](http://www.manitoba.ca/labour/standards/forms.html) or calling Employment Standards. The completed application can be dropped off, mailed, or faxed to the nearest Employment Standards office.

### What is an averaging cycle?

Employers can set their new schedule over several weeks as long as the total hours average back to no more than 40 hours per week. The total number of weeks is considered one cycle.

For example: a permit might allow employees to work 12 hours per day, 60 hours per week and 200 hours in a 5 week cycle.

When submitting their application, the employer must provide a sample schedule for the entire cycle

## **Do employees working under a permit get overtime pay?**

Yes. Employers who ask or allow employees to work longer than the hours set out in the permit must pay these employees 1 ½ times their regular hourly wage for each overtime hour worked.

For example: a permit allows an employee to work a maximum of 10 hours per day, 50 hours per week and 80 hours in a two-week period. If employees are asked or allowed to work more than 10 hours in a day they are owed overtime pay. Employees who work more than 50 hours in a week or more than 80 hours in two weeks, are also owed overtime pay.

## **Are there restrictions on who can apply?**

No. Averaging Permits are not issued for individual employee schedules or to accommodate "flexitime". Permits/orders are not approved for workplaces where the majority of employees disagree with the proposal.

Some industries have different standard hours of work. See the Overtime fact sheet for more information.

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## **Can employees in the construction industry have their standard hours of work change with an averaging permit or agreement?**

Employees in the residential construction industry who are not working on a major building project **can** have their standard hours of work change with an averaging permit or agreement.

Employees in the heavy construction and industrial, commercial, institutional construction sectors **cannot** have their standard hours of work change with an averaging permit or agreement. These employees have standard hours of work that are specific to their industry and season. For more information, visit the [Construction Industry factsheet](#).

## **What is the difference between an averaging agreement and an averaging permit?**

An **averaging agreement** can be made if the new standard hours of work are 12 hours or less per day and 60 hours or less per week over an averaging cycle of 12 weeks or less. These agreements do not need approval from Employment Standards.

An **averaging permit** is required if a business wants their new schedule to exceed one or more of the standard hours of work or cycle maximums for an averaging agreement. Employment Standards must approve an Averaging Permit in these situations for a business to change their standard hours of work.

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## **What is flextime?**

Flextime is when employers allow individual employees to take time off and make up that time on another day. Unless the employee and employer have a written Flextime Agreement, employees are entitled to be paid overtime wages for any hours worked over 8 hours a day.

## **What if I disagree with the proposed schedule?**

Employees with questions about their rights should call Employment Standards. If a permit/order is issued, the employer can require the minority of employees who did not agree to work the new schedule.

## **How do employees know if there is a permit/order in the workplace?**

Permits/orders must be posted at the workplace at all times, in a place where employees can see it. Employers who do not post the permit/order or restrict access to it risk having it cancelled.

## **When can the employer start the new schedule?**

New schedules can begin once a permit/order is received by the employer and posted in the workplace. Until the permit is received, minimum standards remain in place. The new schedule will be in effect until the permit

expires.

## Does the permit expire?

The permit/order will show the date it expires. The employer must reapply before the expiry date to avoid any disruptions in their operation. Once the permit has expired, scheduling must go back to minimum standards until a new permit is approved. Each application needs the written support of the affected employees.

## How do I apply?

Download applications forms from [www.manitoba.ca/labour/standards/forms.html](http://www.manitoba.ca/labour/standards/forms.html) or by calling Employment Standards. The completed application can be dropped off, mailed, or faxed to the nearest Employment Standards office.

## 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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