



## **Employment Standards Legislation**

In December 2006, the Manitoba government passed Bill 2, The Employment Standards Code Amendment Act, a comprehensive legislative change to employment standards legislation in Manitoba. The new Code was set in place April 30, 2007.

Employment standards legislation deals with minimum standards that must be adhered to by employers and employees, and so can be seen as a “floor” of minimum rights rather than a reflection of what reality is in the many workplaces.

### **General Provisions**

#### **Who is covered by the Employment Standards laws in Manitoba?**

Most employees in Manitoba fall under provincial jurisdiction. The legislation covers employees, people who are employed by employers to do work. Independent contractors are not employees and the legislation does not apply to them.

#### **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, or pay higher wages.

#### **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 there 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.

#### **Are self-employed people covered by The Employment Standards Code?**

Some are. Although many people are called self-employed or independent contractors they may not be when it comes to employment standards. Determining if a person is an employee or an independent contractor can be very complex. Signing a document that states a person is an independent contractor does not make it so. It is the nature of the relationship between both parties that determines if someone is truly an independent contractor. Contact the Employment Standards Branch for more details. Independent contractors are not covered by employment standards legislation.

**DID YOU KNOW — The minimum wage is \$8.50 per hour effective April 1, 2008.**

## Young People

### Do young people have the same rights as other employees?

Yes, young people have the same rights and the same obligations. They are entitled to vacation pay, overtime, minimum wage, general holiday pay and all other rights under The Employment Standards Code. The website at [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards) has information on employee and employer rights and responsibilities.

### How old must a person be to work?

Generally, children under 12 years old are only allowed to work for an employer in exceptional circumstances. Employees under 16 years old must have a permit from the Employment Standards Branch before they can work.

[Application for an employment permit --www.manitoba.ca/labour/standards/forms.html](http://www.manitoba.ca/labour/standards/forms.html)

### Are there restrictions on when young people can work?

Yes. People under 18 years old are not allowed to work alone between the hours of 11:00 p.m. and 6:00 a.m. Employees under 16 years old are not allowed to work between the hours of 11:00 p.m. and 6:00 a.m.

### How often can young people work?

During a school week, employees under 16 years old can only work 20 hours or less. During vacations like Christmas and summer, it may be possible to work more. There may also be restrictions on employment permits about when young people can work.

### Can young people work alone?

People under 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m. People under 16 years of age can not work at all between 11:00 p.m. and 6:00 a.m.

Workplace safety and health legislation requires all employers who have employees working alone to have a clear plan that ensures employees' safety. This is needed whenever an employee is asked to work alone, not just at night.

People under 16 years of age may be asked to work alone at times. Usually, the employment permit has special instructions about working alone. Anyone with concerns about working alone, or someone they know working alone should contact both the Employment Standards Branch and the Workplace Safety and Health Branch to discuss the situation.

**Employment Standards Manitoba:** <http://www.gov.mb.ca/labour/standards>

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