

A Summary of What's New in 2007 (New)

After the first major review of employment standards legislation in over 30 years, the Labour Management Review Committee presented the provincial government with a consensus report recommending changes to The Employment Standards Code. In December 2006, the province passed The Employment Standards Code Amendment Act. The changes to the code and regulations go into effect on April 30, 2007. This page highlights the changes.

Termination of employment

Employers are no longer allowed to set an alternate notice policy. After 30 days of employment, both employees and employers must provide notice.

The amount of notice employers must give employees depends on the number of years employees have worked for them.

Period of employment	Notice period
less than one year	one week
at least one year and less than three years	two weeks
at least three years and less than five years	four weeks
at least five years and less than 10 years	six weeks
at least 10 years	eight weeks

Employees who are ending their employment must provide employers with one week of notice if they have worked for them for more than 30 days but less than one year. They must give two weeks if they have worked for them for more than one year.

Employers can no longer withhold wages from employees who have ended employment without notice. More information about termination of employment can be found on the [Termination of employment](#) page.

General Holidays

Part-time employees are entitled to the same general holiday pay as full-time employees. In most cases, employees are entitled to five per cent of their earnings in the 28 days before the general holiday as general holiday pay. More information about general holidays can be found on the [General holidays](#) page.

Unpaid leave

Employees are entitled to three days of unpaid leave to deal with the death of a family member. More information can be found on the [Bereavement leave](#) page.

Employees are entitled to three days of unpaid leave each year to deal with personal illness or the needs of their families. More information can be found on the [Family leave](#) page.

For all unpaid leave, the definition of "family" has been broadened to include extended family. More information on the definition of a family member can be found on the [Unpaid leave](#) page.

Overtime exclusions

Employees who substantially control their hours of work and earn more than twice the Manitoba average industrial wage may be exempt from the hours of work and overtime provisions. More information can be found on the [Overtime exemption – workers who substantially control their hours of work](#) page.

Employees who primarily perform management functions may be exempt from the hours of work and overtime provisions. This does not necessarily include all employees who are called managers or supervisors. More information can be found on the [Overtime exemption – workers who perform management functions primarily](#) page.

Overtime for incentive–based pay plans

Most employees who work more than eight hours in a day and 40 hours in a week are entitled to overtime. This includes employees who are paid either entirely or partly by incentive pay. Overtime for an employee paid by incentive is calculated based on an average hourly wage. More information on how to calculate overtime for incentive based pay plans can be found on the [Overtime – Incentive Pay Workers](#) page.

Young employees

All employees under 16 years old must to have a permit from the Employment Standards Branch before they begin their jobs. They cannot work more than 20 hours during a week of school.

Employees under 18 years old cannot work alone from 11:00 p.m. to 6:00 a.m. They are also not allowed to work in forestry, asbestos removal, saw or pulp mills, confined spaces and underground in a mine or on the face of an open pit quarry.

Employees under 16 years old cannot work at all from 11:00 p.m. to 6:00 a.m. in any industry. They are not allowed to work at construction sites, on drilling or servicing rigs, on swing stages or scaffolds, in industrial or manufacturing processes or pruning, repairing, maintaining, or removal of trees.

More information on young employees can be found on the [Young employees](#) page.

Deductions from wages

Employees are entitled to be paid wages for all hours they work. Employers can make some deductions from wages for items authorized by law, such as a garnishment or statutory deductions like Employment Insurance. Employers can also deduct wages for items that provide a direct benefit to employees. Employers cannot make a deduction from employees wages for items like uniforms, cash shortages or broken or stolen items. More information on deductions from wages can be found on the [Deductions](#) page.

Reporting pay

Employees who work for three hours or more are paid their regular wages for all hours worked.

Employees scheduled to work three hours or more but who work less than three hours are paid for their regular wages for three hours.

Employees scheduled to work less than three hours and who work their scheduled hours are paid their regular wages for all hours worked.

Employees scheduled to work less than three hours and who work less than their scheduled hours are paid their regular wages for the full scheduled hours.

More information on reporting pay can be found on the [Wages for reporting for work](#) page.

Domestic workers and live-in nannies

Domestic workers, including live-in nannies, are covered by the legislation after working for the same employer for more than 12 hours a week. They are paid for all hours they work and are entitled to overtime pay like all other employees. Casual babysitters who come into the house to provide care are considered domestics and are excluded from the legislation. More information on domestic workers and live-in nannies can be found on the [Domestic workers and live-in nannies](#) page.

When are the new rules in effect ?

The changes to *The Employment Standards Code* are effective April 30, 2007

For more information contact the Employment Standards Branch at:

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This information is intended as a guide only and is not a legal opinion. For complete information refer to the Employment Standards Code or contact us for more details.

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