



# New Employment Standards Legislation

by Jodi L. Wyman

The Province of Manitoba has made amendments to its Employment Standards Code, and the changes went into effect April 30, 2007.

The Manitoba Government website has a detailed summary of the changes to the legislation.

Every employer and employee should review the changes as there will be few work places in which these changes will not apply. Some of the changes include:

- There are specified notice periods that an employer must give employees when they terminate their employment. For example, if an employee has worked for the employer between one to three years, two weeks notice must be given. If they have worked between five to ten years, six weeks notice must be given. The maximum is for employees who have worked for that employer more than ten years where eight weeks notice must be given before terminating the employment.
- On the other hand, an employee must give their employer at least two weeks notice before they quit if they have worked there for more than one year. Otherwise, the notice period is one week. One significant change in this area is that employers are no longer allowed to withhold wages from employees who ended their employment without giving proper notice.
- Employees are entitled to three days of unpaid leave to deal with the death of a family member. As well, employees are entitled to three days of unpaid leave each year to deal with their own illness or to care for a family member.
- There are substantial changes to overtime, including when an employee is excluded from the overtime provisions, and how to calculate the proper overtime wage.
- With respect to employees under the age of 16 years old, they must have a permit from the Employment Standard Branch before they can begin their job. This permit must be obtained for each job, and cannot be transferred. Teens under the age of 16 cannot work more than 20 hours a week of school. Employees under the age of 18 are not allowed to work alone between 11:00 p.m. and 6:00 a.m., nor in certain industries such as forestry or mines.
- There are new limitations on what deductions an employer can make from their employees' wages. For example, they are not allowed to make any deductions for things such as uniforms, tools, cash shortages, broken inventory etc. These sort of deductions cannot be made even with the employee's consent.
- There are new rules with respect to reporting pay. This is relevant primarily in the hospitality industry when someone could be required to attend work but end up working only minimally or not at all. For example, employees who are scheduled to work three hours or more, but who end up working less than three hours are still to be paid for their regular wages for three hours.
- With respect to statutory holidays, there are changes with respect to how part-time employees are paid. Generally, they will be entitled to 5% of their earnings in the twenty-eight days before the general holiday as statutory holiday pay.
- There are also changes with respect to domestic workers and live in nannies.
- Business owners should ensure that they review at least a summary of the changes to the Employment Standards Code, and check that their employee policies match with the new legislation.