

## **Who is covered by The Employment Standards Code?**

Employment standards legislation covers employees whose workplaces are under provincial jurisdiction. Almost 90 per cent of all workplaces fall under provincial jurisdiction, some professionals, agricultural workers and independent contractors are exempt.

## **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.

Parts of legislation do not apply to; agriculture workers, baby sitters, professionals, part-time domestic workers, family members employed in family businesses, some provincial civil servants and temporary election workers. Some employees work in industries that are regulated by the federal rather than the provincial government. These employees are not affected by Manitoba's employment standards legislation.

## **Who is covered by federal jurisdiction?**

Approximately 10 per cent of employees in Manitoba fall under federal jurisdiction. They work in industries such as:

- railways, highway transport, trucking, pipelines, ferries, tunnels, bridges, canals, telephone and cable systems
- all extra-provincial shipping and services connected with such shipping,
- air transport, aircraft, airports, and aerodomes
- radio and television broadcasting
- banks (except credit unions and trust companies)
- flour, feed and seed cleaning mills, feed warehouses, grain elevators and uranium mining and processing
- federal Crown corporations or agencies of the Crown, such as the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority

The laws affecting federally regulated industries are quite different from provincial employment standards. People unsure of which jurisdiction affects them should contact either The Employment Standards Branch or the federal government.

## **Where do employees who fall under federal labour laws file complaints?**

Employees who are covered federally fall under the Canada Labour Code which is enforced by by Human Resources and Social Development Canada (HRSDC). They can be reached at 983-6375 in Winnipeg or toll free at 1-800-838-2033.

## **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 a 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.

## **Are people employed in agriculture covered by employment standards legislation?**

Yes, Effective June 30, 2008 many employees working in agriculture are covered by employment standards legislation. Employees working on a farm owned by a family member are excluded from most standards. Other employees working in agriculture are covered by most standards. There are some exceptions regarding general holidays, wages for reporting for work and overtime. Please see the [fact sheets on agriculture](#) for more details.

## **Can employers or employees create a contract that has lower provisions than those outlined in the legislation?**

No, the legislation sets the minimum standard for all employers and employees. They cannot agree to minimum standards outside the legislation. Some provisions of the legislation allow employers and unions to agree to different terms in a collective agreement.

## **Are all aspects of employment law covered by The Employment Standards Code?**

No, the employment standards legislation sets the minimum standards employers must follow. Employers and employees can also sue in civil court for items like breach of contract or unjust dismissal under the legislation. Employers and employees with questions on civil law should contact a lawyer.

## **For more information contact the Employment Standards Branch:**

Phone: 204-945-3352; or toll free in Manitoba 1-800-821-4307

Fax: 204-948-3046

E-mail: [Employmentstandards@gov.mb.ca](mailto:Employmentstandards@gov.mb.ca)

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*, or contact the Employment Standards Branch to ask for advice

Date Published: March 14, 2008