

THE RIGHTS OF YOUTH: ON THE JOB

April 2009

WORK

How old do I have to be to work?

If you are under the age of 16, you need a Child Employment Permit in order to work. (This does not apply for occasional babysitting.) You can apply to the Employment Standards Branch for the permit. Your application should be made after you receive a job offer but before starting work. The permit must be signed by you, your parent or guardian, and the employer. If the job is during the school year, your principal must sign it, too. The permit will have conditions to ensure the work does not pose a threat to your health, safety or well-being, or to your education. If you are under 16, you can only work 20 hours during a school week.

SOCIAL INSURANCE NUMBER

Do I need one?

Everyone is required to have a Social Insurance Number (SIN) to work in Canada. You are required by law to provide your SIN to your employer. You should be cautious about showing your number or card to anyone else and your SIN card should not be used as identification.

To apply for a SIN, call or visit your local Human Resources Development Canada (HRDC) office and ask for a SIN application kit. There is no fee for your first card.



EMPLOYMENT STANDARDS

Do I have to work overtime?

An employer cannot force you to work overtime, unless it is a condition of employment. You must be given 1 day off work in every 7 days.

Will I get a break at work?

For every 5 consecutive hours that you work, your employer must allow you at least 30 minutes unpaid meal break. The employer does not have to pay you for that time. Employers are not obligated to provide coffee breaks but some do. Check with your employer to find out if you get coffee breaks.

What if I am too sick to work?

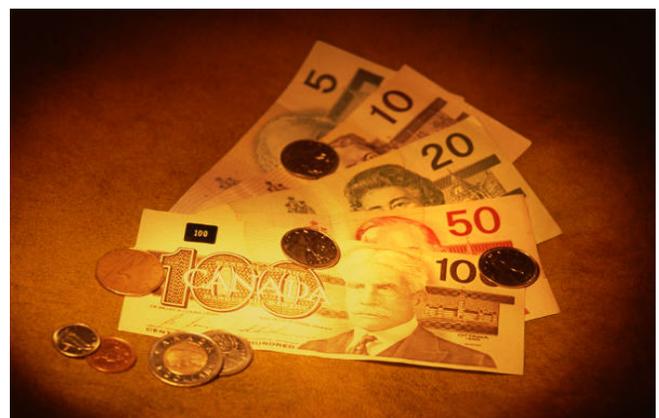
You have three unpaid days per year to use for personal illness and family responsibility. You must provide your employer with as much notice as possible and reasonably verify the need for the leave.

What if someone in my family dies?

You are entitled to three unpaid days to deal with the death of a member of your family.

What is minimum wage?

The minimum wage in Manitoba as of May 1, 2009 will be \$8.75 per hour and raised to \$9.00 per hour on October 1, 2009, except in the construction industry. There are some exceptions, including occasional babysitting where the wage is a matter for agreement. (The minimum wage changes from time to time, so it is a good idea to check with the Employment Standards Branch.)



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Equal pay for equal work?

Male and female workers in the same workplace must receive the same rate of pay if they do the same or substantially the same work. Jobs will be considered substantially the same if they have similar duties and responsibilities or provide similar services.

What if I go to work and it's not busy?

If you report to work but are sent home because it is not busy, your employer is required to pay you for a minimum of three hours (or for the regularly scheduled shift, whichever is less.)

How often will I get paid?

Employees must be paid at least twice each month.

FOR EVERY 5 HOURS THAT YOU WORK, YOUR EMPLOYER MUST ALLOW YOU AT LEAST 30 MINUTES UNPAID MEAL BREAK.



Do I get vacation and/or time off?

You are entitled to two weeks of vacation after each year of work for the same employer whether you are full or part time. While you are on your vacation you are paid 4% of your earnings in the previous year. For full time employees this is the same as two weeks paid vacation. If you work less than a full year, you are still entitled to your vacation pay. Some employers will give you time off without pay if you ask, although they are not obligated to do so. Vacation increases to 3 weeks and 6% vacation pay after 5 consecutive years with the same employer.

Part-time employees are entitled to the same general holidays (statutory holidays) as full-time employees. To find out about general holiday pay and how much, or paid time off, you can contact the Employment Standards Branch.

What kind of notice do I need to give if I want to quit my job?

During the first 30 days of working for someone, you can quit your job without giving any advance notice.

Once you have worked for longer than 30 days but less than one year, you must give one week notice. After one year you must give two weeks notice.

What kind of notice is my employer required to give me?

During the first 30 days of employment, your employer can fire you at any time without advance notice but not for discriminatory reasons, on the basis of any of the factors set out under *The Human Rights Code* (as listed on page 8). If you have worked for longer than 30 days but less than one year, your employer must give you at least one week notice. The longer you work, the more notice your employer must give you. For example between one and three years you must get two weeks notice.

There are some circumstances where an employer can terminate you without providing notice. Call the Employment Standards Branch if you have questions about losing your job.

If your employer had a valid reason to fire you, for example, if you were caught stealing, your employer does not have to give you any notice.

If you feel you have been fired without proper notice, you can call the Employment Standards Branch.



What happens to my wages if I quit my job?

Employers cannot withhold wages even if you quit without notice. You must be paid all outstanding wages, including vacation pay, within 10 working days of your final day of work.

What if I feel I am not getting the benefits that I think I am entitled to?

If you have any questions or concerns about your wages, benefits, or conditions at work and your workplace is *unionized*, you should speak with your union representative. If you are still not satisfied, you can phone the **Manitoba Labour Board**.

If you believe you are not receiving your rights at work and your workplace is *non-unionized*, contact the **Employment Standards Branch** of Manitoba Labour and Immigration. They can provide information or assistance free of charge. You can speak with them on a confidential basis. You should know that if you file a complaint, the Branch will have to contact your employer in order to look into your concerns. Those who file a complaint and experience any kind of negative treatment by their employers as a result can contact the Manitoba Labour Board.

**MANITOBA LABOUR BOARD
MANITOBA LABOUR AND
IMMIGRATION
402 - 254/258 PORTAGE AVENUE
WINNIPEG, MANITOBA 945-2089**

What is a union?

A union is an organization of employees. Unions are concerned with the rights and benefits of the employees of that business. Unions make agreements with employers on behalf of the employees regarding things like wages, benefits, hours and conditions of work.



If you have any questions or concerns respecting unions, or whether you need to become a union member, or issues arising in a unionized workplace, you may phone the Registrar of the Manitoba Labour Board.



Give me a call!

Can I get help looking for work?

Your local Human Resources and Skills Development Canada (HRSDC) office offers several forms of assistance in looking for work or planning to change jobs. The HRSDC Job Bank is an up-to-date electronic listing of jobs across Canada. You can find a variety of job-related pamphlets and brochures from their offices, as well as job listings, work search help, résumé writing and workplace information on its website www.hrdc-drhc.gc.ca.

The Manitoba WorkInfoNet is another website that can help connect you to resources on work and careers. www.mb.workinfolnet.ca

During the summer months, the federal and provincial governments operate the Student/Youth Human Resource Centres and the Manitoba Youth Job Centres across Manitoba. Students and youth can get information and referrals to jobs posted, employment counselling and job search assistance. STEP services, a program of the provincial government, also provides job referrals for students and youth. Students can register online at www.manitoba.ca/educate/studentjobs/ or pick up an application at your nearest employment centre. You can also call 1-800-282-8069 for more information.

What if I am concerned about possible discrimination?

As a general rule, *The Human Rights Code* makes it wrong for anyone to discriminate against you in employment situations because of your age, ethnic origin, religion, sexual orientation, sex, or any of the other characteristics which are protected under *The Code* (for complete list, see page 8). This applies to all aspects of your job search - advertisements, application forms, job interviews and job orders.

What about the job application or job interview?

The employer may ask you questions to make sure you have the specific skills and abilities to perform the essential duties and responsibilities of the job.

Potential employers may not ask questions prior to a job offer that directly or indirectly ask about such things as:

- ✓ your age, sex, religion, ancestry, sexual orientation or political belief;
- ✓ whether or not you are pregnant;
- ✓ whether or not you have a physical or mental disability; and
- ✓ whether you have any relatives employed by them.

If they do, unless they pertain to the specific skills and abilities that are essential for the job, you are under no obligation to answer. Likewise, you need not reveal this information in your résumé.

What about my age?

Age alone is not a sufficient reason to refuse to consider someone who is under the age of 16. Applicants under 16 must, however, indicate an intention to obtain the necessary Child Employment Permit.

Age restrictions *are* allowed where the *law requires that you be the age of majority*. For example, employers are entitled to make sure you are over 18 if they are looking for a chauffeur to drive an emergency vehicle or for someone to sell or serve liquor, both of which require you by law to be over the age of majority.

Are there other restrictions on where I can work?

Yes. If you are under 18 you are not allowed to work in the following industries: forestry, saw or pulp mills, confined spaces, underground in mines or on the face of open pit quarries, or asbestos abatement and removal.

Those under the age of 18 are also not allowed to work alone between 11:00 pm and 6:00 am.

If you are under 16 you are not allowed to work on a construction site, in the industrial or manufacturing processes, drilling or servicing rigs, on scaffolds or swing stages, and in the pruning, repairing, maintaining, or removal of trees.

How many hours am I allowed to work?

The standard hours of work are 40 hours per week or 8 hours a day. A usual work week is 5 days a week, 8 hours a day but this may vary. If you work more than 8 hours in one day, or more than 40 hours in one week, your employer must pay you overtime. If you both agree, you may instead take time off in place of the pay.

Employees under 16 years old cannot work more than 20 hours a week during school. You are also not allowed to work at all between 11:00 p.m. and 6:00 a.m.

**THE MINIMUM OVERTIME RATE
IS 1 ½ TIMES YOUR REGULAR
RATE OF PAY.**

WHAT IS EMPLOYMENT INSURANCE?

Employment Insurance (EI) provides temporary financial help to unemployed Canadians while they look for work or to upgrade their skills, while they are pregnant or caring for a newborn or adopted child, or while they are sick.

The EI system is based on hours of paid work. The hours you work and for which you are paid accumulate toward your eligibility for EI benefits.



How do I qualify for Employment Insurance benefits?

Every situation is different. There are three types of Employment Insurance benefits:

1. **Regular benefits** are paid to people who have lost their job and want to return to work. To receive these benefits you must be actively looking for another job and be willing and able to work at all times.
2. **Maternity and parental benefits** are paid if you are pregnant, have recently given birth, are adopting a child or are caring for your newborn baby. Your partner may also be entitled to parental benefits.

3. **Fishing benefits** are paid to self-employed persons engaged in fishing. To receive these benefits you must be actively looking for another job and be willing and able to work at all times.

To qualify for EI benefits you must work a required number of hours during the last 52 weeks. When applying for EI benefits, you will need to have your Social Insurance Number (SIN), a Record of Employment (ROE) from each job held over the last 52 weeks, personal identification, and pay details from your last job.

Health and Safety

What if I have concerns that my workplace is unsafe?

Workplaces can contain potential threats to your health and well-being, from hazardous waste to dangerous machinery. You have the right to know of any hazard in your workplace before you begin work. You also have the right to refuse work that you believe threatens your health or safety! Refusal should be done formally, beginning with advising your supervisor and giving your reason for refusal. If the situation is not corrected to your satisfaction, advise the Safety and Health Committee or a representative at your place of employment.

Your employer has a duty to ensure the safety, health and welfare of its employees while they are on the job. This means that the workplace should have safety policies and procedures that it follows and that employees are taught how to use equipment and perform tasks safely.

What are the responsibilities of employees?

Employees have a responsibility to protect their own safety and the safety of others. This may include following safe operating instruction and using proper safety equipment. Failure to use all safety devices does not, however, exclude you from getting compensation from the Workers Compensation Board if you are injured.



Can my employer make me work late at night?

If you are under 18, you cannot work alone between 11:00 p.m. and 6:00 a.m. If you are under 16 you cannot work at all between 11:00 p.m. and 6:00 a.m.

If you start or end your shift between midnight and 6:00 a.m. and both your work and home are within Winnipeg, your employer must provide adequate transportation to and from work.



Can my employer make me work alone?

An employer can ask you to work alone as long as there is some plan in place to ensure your safety. Some examples might be regular checks on you, a phone number you can call, or an alarm system. This is the case for everyone who is asked to work alone, regardless of age or hours.

How do I report a complaint?

You can register a concern about your health and/or safety in your workplace with a health and safety officer at the Workplace Safety and Health Branch.

An officer can order an employer to improve the workplace situation within a reasonable period. Where there is immediate danger, the officer can order that work be stopped until the condition is fixed.

What if I get injured at work?

If you get injured on the job, or if your workplace causes you to become ill, you may qualify for benefits through the Workers Compensation Board. Not all injuries or illnesses are covered. Your case will be assessed to determine if you are entitled to benefits. You have the right to appeal decisions that you disagree with.

Discrimination and Harassment on the Job

The goal of human rights law is to create a workplace where everyone is treated equally and with respect.

The Human Rights Code applies to all aspects of employment including:

- recruitment and hiring practices;
- working conditions including fringe benefits, wages, lay-offs, suspensions, dress codes, employee benefit plans, training and seniority;
- promotions;
- dismissals; and
- employment agency referrals.



Will my employer accommodate my special needs?

Under Manitoba's *Human Rights Code*, employers must reasonably accommodate any employee with special needs that relate to one of the group categories listed in *The Code*. The duty to reasonably accommodate may require the employer to make certain changes at work – to modify job equipment or facilities, for example. Accommodation may not be required where the employer has considered all reasonable alternatives and can show that it would create *serious hardship to the operation of the business*, including the impact on others.

What if I am pregnant?

If you are pregnant you are entitled to sick leave and disability leave on the same basis as other employees. Your employer must also reasonably accommodate your pregnancy. If the pregnancy limits your ability to do your job, the employer may be required to modify your work, such as changing your work station, or providing more flexible hours, when doing so creates no serious hardship to the operation of the business.



What if I am being harassed?

If you are being harassed, you may file a human rights complaint. (See the section on the *Manitoba Human Rights Commission* for a list of the grounds and a fuller definition of harassment.)

Harassment creates a work environment that is threatening and intimidating. The employer has a responsibility to take reasonable steps to prevent harassment. Reasonable steps may include:

- having or developing a harassment policy;
- making sure all employees know the harassment policy;
- warning anyone who harasses a co-worker that they may be disciplined if the behaviour continues; and
- providing victims with protection and support.

An employer may be held legally responsible when one of its employees discriminates against or harasses another employee, or if the employee is harassed by a customer.

What should I do?

If you or someone you work with is having a problem, you should talk to an adult you trust, your supervisor or a manager at your workplace, and/or your union representative if you belong to a union. You can also call and speak to someone at the Human Rights Commission. If you are concerned about your personal safety, call the police.



Resource Information

For more detailed information, you can get a copy of the Youth Resource Handbook available from the Workers Compensation Board.

RESOURCES

Youth Employment Service Manitoba

614-294 Portage Avenue
Winnipeg, Manitoba
Ph: 987-8660

Employment Standards Branch Manitoba Labour and Immigration

604-401 York Avenue
Winnipeg, Manitoba
Ph: 945-3352

Workplace Safety and Health Branch Manitoba Labour and Immigration

200-401 York Avenue
Winnipeg, Manitoba
Ph: 945-3446

Workers Compensation Board of Manitoba

333 Broadway
Winnipeg, Manitoba
954-4321

Employment Insurance Office Human Resources and Skills Development Canada

391 York Avenue
Winnipeg, Manitoba
Toll-free: 1-800-206-7218
Web: www.servicecanada.gc.ca

Employment and Income Assistance Manitoba Family Services and Housing

111 Rorie Street
Intake Line: 948-4000

Community Unemployment Help Centre

501-275 Broadway
Winnipeg Manitoba
Ph: 942-6556

Offices that Protect the Rights of Youth

Office of the Manitoba Ombudsman

Winnipeg

750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 982-9130
Toll-free: 1-800-665-0531
Fax: 942-7803

www.ombudsman.mb.ca

Brandon

202 Scotia Towers
1011 Rosser Avenue
Brandon, MB R7A 0L5
Ph: 571-5151
Toll-free: 1-888-543-8230
Fax: 571-5157

Manitoba Human Rights Commission

Winnipeg

7th Flr-175 Hargrave Street
Winnipeg, MB R3C 3R8
Ph: 945-3007
Fax: 945-1292

Brandon

Provincial Government Building
Rm. 353-340 Ninth Street
Brandon, MB R7A 6C2
Ph: 726-6261
Fax: 726-6035

The Pas

2 Flr-Otineka Mall
PO Box 2550
The Pas, MB R9A 1K5
Ph: 627-8270
Fax: 623-5404

TOLL-FREE: 1-888-884-8681

TTY: 1-888-897-2811

Collect calls accepted in all locations

www.manitoba.ca/hrc

**EMPLOYMENT STANDARDS BRANCH
MANITOBA LABOUR AND IMMIGRATION**
604-401 York Avenue
Winnipeg, Manitoba
945-3352
<http://www.manitoba.ca/labour/standards>

Office of the Manitoba Ombudsman

The Manitoba Ombudsman investigates complaints from anyone who feels he or she has been treated unfairly by departments or agencies of the provincial or a municipal government.

There are also laws in Manitoba that require the provincial and municipal governments, school divisions, hospitals and health professionals such as doctors to respect and uphold your information access and privacy rights. The Ombudsman investigates complaints about your access to information and privacy rights under those laws.

If you feel a decision or action of someone in government that affects you was wrong or unfair, or if you have questions about your information access and privacy rights, you may contact the Ombudsman's Office. There is an intake officer you can speak to and who will listen to you. You can discuss your complaint privately.

If your concern is something they can investigate, they will explain the process. If it is not something that they can investigate, they will try to refer you to someone who can help.

Information about the Manitoba Ombudsman, *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* can be found on its website www.ombudsman.mb.ca.



Manitoba Human Rights Commission

The Manitoba Human Rights Commission deals with complaints of **discrimination** and **harassment** in a number of areas of public life, including:

- employment;
- rental of housing; and
- public services and facilities such as stores, hospitals, schools, and recreation programs.

Manitoba's *Human Rights Code* is designed to promote equality of opportunity and to protect against discrimination based on:

- ✓ age;
- ✓ ancestry (including colour and perceived race);
- ✓ nationality or national origin;
- ✓ ethnic background;
- ✓ religion or religious association or activity;
- ✓ sex (including pregnancy);
- ✓ gender-determined characteristics;
- ✓ sexual orientation;
- ✓ marital or family status;
- ✓ source of income;
- ✓ physical or mental disability (which includes circumstances related to your disability, such as reliance on a wheelchair);
- ✓ political belief, activity or association.

Information on the Commission and *The Manitoba Human Rights Code* can be found on its website www.manitoba.ca/hrc.

The content of this publication may be subject to change. Check the websites of The Manitoba Human Rights Commission or the Ombudsman for updates.