

A Guide to Workplace Rights and Protections for Foreign Farm Workers in Manitoba, Canada

This fact sheet outlines the legal rights and protections ensured by the government of Manitoba for farm workers working in this province on a seasonal or temporary basis. The Manitoba government's Employment Standards office enforces these rights and protections and has prepared this guide to answer the most common questions about working on Manitoba farms.

This information applies to all foreign farm workers except where specific examples are provided.

The Government of Canada has additional requirements set out in your employment contract that you and your employer must follow while working in Canada.

[Este documento en español](#)

How much should I get paid?

As of October 1, 2020, the minimum wage in Manitoba is \$11.90 per hour. This is the lowest amount workers in Manitoba can be paid. However, your job order or employment contract may set a higher rate depending on the kind of work you do.

You must get paid at least your specified rate of pay (or the minimum wage, whichever is more) for all hours or parts of hours you work in a pay period, even if part of your wage is a piece rate for the number of vegetables you tie or crates you fill. Ex: If you are paid weekly, and you worked 45 hours, the total wages you earn in that week cannot be less than your wage rate for all 45 hours of work.

Manitoba's minimum wage may change, so it is important to check the current rate. Call the Employment Standards office or visit our website - listed at the end of this fact sheet. For Mexican workers in the federal government's Seasonal Agricultural Workers Program (SAWP), call the Mexican Consulate in Toronto toll free at 1-888-351-2690 for information on wage rates under the program.

How often should I get paid?

Your employment contract indicates how often you will get paid. In Manitoba, workers must be paid at least twice a month.

Should I get pay statements from my employer?

Yes. You should receive a pay statement every time you get paid. Pay statements must show:

- Wage rate
- Hours worked
- Deductions from wages (including reasons for deductions and dates deductions were made)
- Total wages paid

What deductions can be taken off my wages?

Government deductions

Some wage deductions are required by federal or provincial government laws. These include:

- Income tax
- Employment Insurance (EI)
- Canadian Pension Plan (CPP)

Deductions allowed under your employment contract

Check your employment contract to find out what deductions are allowed under your program. There are specific rules for different programs. Your employer is not allowed to deduct more than the maximum amounts specified in the contract. Ex: Under SAWP, deductions may include:

- Part of the airfare between Canada and your country (ex: Mexico, Jamaica)
- Specified fee for a work permit or work visa
- Some of the cost for medical coverage for illness or injury not related to your work
- Cost of meals, if provided by the employer, up to a fixed amount
- Specified amount for utilities (ex: electricity, gas, water)

Deductions for pay advances

There are situations where an employer pays a worker before the work is done. This is often described as being paid "in advance". Employers can deduct the pay advance from future wages, but cannot deduct any fees or interest, either directly or indirectly.

What types of things cannot be deducted from my wages or charged to me by my employer?

Some of the things employers in Manitoba are not allowed to make deductions or charge workers for include:

- Most on-the-job safety equipment
- Lost, stolen or broken tools, equipment or other items
- Interest or other fees for cashing a pay cheque or providing a pay advance

Depending on the program you are working under, there may be other deductions that are not allowed. Ex: SAWP does not allow money to be deducted from temporary foreign workers' wages for accommodation, or the cost of travel between their point of arrival in Canada and their place of employment.

Contact Employment Standards if you have questions about any deductions or charges by your employer.

What else do I earn while working in Manitoba?

You are entitled to vacation pay, like most workers in Manitoba. The minimum vacation pay is four per cent of your total wages. If you work for the same employer every year and complete five seasons, your vacation pay will increase to six per cent.

Some employers choose to pay vacation pay on every cheque. Others pay the full amount when the employment contract ends.

Farm workers who perform all, or most of their work in a climate-controlled facility, may be entitled to other wages. If this applies to your job, contact Employment Standards for more information.

What if my employer ends my job early?

Most seasonal and temporary workers know when their job will end because it is specified in their employment contracts. Except in very limited circumstances, Manitoba law requires the employer to give you advance notice if ending the job earlier than agreed. During that notice period:

- You will continue to work and earn your normal wages
- Or the employer must pay you the wages you would otherwise have earned

The length of the notice period ranges from one week to eight weeks, depending on the number of seasons you have worked for the employer.

What if I end the job early?

In most cases, Manitoba law also requires workers to give advance notice when ending a job. If you are ending the job earlier than your employment contract specifies, and you have been working for the same employer for more than 30 days but less than one year (season), the notice period is one week. If you have been working for the same employer for more than one consecutive season, the notice period is two weeks.

How can Employment Standards help me?

If you have a question about wages or other entitlements related to your job:

Call our office or visit the Manitoba Government's Employment Standards website for information.

If you want to get wages that you believe are owed to you:

Call or email Employment Standards and give:

- Your name
- Your employer's name and address
- Reason why you believe you are not being paid properly

An Employment Standards officer will investigate. If you are owed wages, the officer can order your employer to pay you.

If you want to anonymously report an employer for not paying wages properly:

Call or email Employment Standards and let us know your concerns. Give the name and address of your employer. This information may be used to investigate employers who are suspected of not following the law. If you choose to make an anonymous report about your employer, your name will be kept confidential.

Employers who fail to pay workers properly may be fined and face other penalties.

If you wish to speak to someone in your language:

Employment Standards offers services in many languages. Call or visit us for more information about your rights while working in Manitoba.

Government of Canada

The federal government has specific requirements for various temporary foreign worker programs. For information, call 1-800-O-CANADA (1-800-622-6232).

For more information contact Employment Standards:

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

Fax: 204-948-3046

Website: 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, The Construction Industry Wages Act, The Worker Recruitment and Protection Act, or contact Employment Standards.

**Available in alternate formats
upon request.**

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