

## Hours of Work and Breaks

Standard hours of work are 40 hours per week and 8 hours per day. In most cases, employees who work more than the standard hours they must be paid at the overtime wage rate. Employees are also entitled to an unpaid 30 minute break after 5 hours of consecutive work.

### What are the standard hours of work?

Standard hours of work are 40 hours a week and 8 hours a day. Employees are entitled to their regular wage rate for work during these hours. Employees must be paid at the overtime wage rate if they work more than the standard hours.

### Are there exceptions to the standard hours of work?

There are exceptions to standard hours of work, which include:

- Areas of the construction industry
- The landscaping business
- Companies with collective (union) agreements that specify different hours
- Companies with an Averaging Permit from Employment Standards
- Employees who have an Individual Flextime Agreement with their employer
- Election officials, enumerators and any other temporary person appointed under *The Elections Act*.

### Who controls scheduling?

Employers control schedules. They make or approve work schedules that suit their business needs and can change work schedules at any time. Sometimes employers involve employees in decisions about scheduling, but are not required to do so.

### Can employers change employees' schedules?

Yes. Employers make schedules that suit their businesses and can change work schedules at any time. This includes deciding to close on a certain day, or to reduce or increase the number of hours they are open each week.

Employers can also change employees' schedules after a shift has started. If employees are scheduled for 3 hours or more and the employer ends the shift early, wages must be paid for 3 hours or for the time worked, whichever is greater. See the [Wages for Reporting for Work](#) fact sheet for more information.

## **Can employees change schedules?**

Employers control work schedules, but some employers allow employees to switch shifts with co-workers or to change schedules.

## **Do employers need to pay overtime that occurs when employees change the schedule?**

If employees work overtime, they must be paid overtime wages. Employers who allow employees to change the schedule or switch shifts cannot refuse to pay for overtime that occurs as a result. Employers should know the weekly and daily hours employees are working.

## **Can employers change schedules even after shifts have started?**

Employers can end employees' shifts early or start additional ones if they are within standard hours of work. If employees are scheduled for 3 hours or more and the employer ends the shift early, wages must be paid for 3 hours or for the time worked, whichever is greater. Overtime is voluntary or by agreement. More information can be found on the [Wages for Reporting for Work](#) and [Overtime](#) pages.

## **Are there times when employees can take time off work without the employer's permission?**

There are legislated leaves where employees can take time off work without needing the consent of their employer. For instance, family leave allows employees to take three unpaid days off each year to deal with family needs or personal illness. Bereavement leave provides three unpaid days off to deal with the death of a family member

All leaves have specific requirements for the amount of notice to be provided to the employer. For more information, see the [Summary of Unpaid Leaves](#) fact sheet.

## **How long are employees allowed to work without a break?**

Employees must be given a 30 minute unpaid break after every five consecutive hours of work. Many employers provide additional coffee breaks, cigarette breaks or other meal breaks. These are a benefit, but are not required.

## **What is a break?**

A break is when employees are on their own time and free of all responsibility. Employees must be able to leave the workplace during their breaks.

## **Are employees paid for their breaks?**

Employers are not required to pay for breaks but can choose to do so.

## **Can employers be excluded from the break requirement?**

Employers must apply to Employment Standards for any changes to the break requirement. Employment Standards will consider the needs of the business and how the proposed changes might affect employees in that workplace. Unionized workplaces may have different provisions for work breaks. For more information, see the [Work Break Order](#) fact sheet.

## **Are breaks included when calculating overtime?**

Breaks are not included in overtime calculations. For example: an employee, who works from 9:00 a.m. to 5:30 p.m. with 30 minutes for lunch, has worked an eight-hour day. Keeping accurate records will show when employees work and when they are on breaks.

## **How much rest time should employees get each week?**

Most employees are entitled to a rest period of no less than 24 consecutive hours each week. Domestic and residential care workers must receive at least 36 consecutive hours of rest each week, when they are not required to perform work. See the [Domestic Workers](#) and [Residential Caregivers](#) sheets for more information.

## **Are employees entitled to the same day off each week?**

No. The day of rest is scheduled by the employer and does not need to be the same day each week. In practice, this means employees could work up to 12 days in a row in a two week period if the days of rest occur at the beginning of the first week and the end of the second week.

## **Are employees paid for the day of rest?**

No. Employers are not required to pay wages for a weekly day of rest.

## **Can employers apply to be excluded from the weekly day of rest?**

Employers must apply to Employment Standards to have their workplace excluded from the weekly day of rest. Employers need to show that a day of rest:

- Is an undue hardship to the employer
- Is of little or no benefit to the employees because of the remote location of the business
- Unduly restricts the operation of the business that operates only part of the year
- Causes severe loss to the business owing to the circumstances in which it operates

For more information, see the [Weekly Day of Rest Order](#) fact sheet.

## **Who is excluded from a weekly day of rest?**

Security personnel, caretakers and power engineers who live in the buildings where they work are not required to have a weekly day of rest. Employees working during a declared emergency or employees who perform management functions primarily are also excluded.

## **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](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, 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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