



Growth, Enterprise and Trade

Employment Standards

Labour and Regulatory Services

604-401 York Avenue, Winnipeg, Manitoba, Canada R3C 0P8

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NOTICE OF ADMINISTRATIVE PENALTY PURSUANT TO SECTION 138.1 OF THE EMPLOYMENT STANDARDS CODE

Order No.
File No.

Corporate Entity or Last Name		First Name (if applicable)	
Address	City	Province	Postal Code

CONTRARY TO:

- ☐ The Employment Standards Code
- ☐ The Construction Industry Wages Act
- ☐ Reg. 6/2007 The Employment Standards Regulation
- ☐ Reg. 119/06 Construction Industry Minimum Wage Regulation

Provision	Description of Contravention	Employee(s)	# of Incidents	Pay Period	Amount of Penalty per Incident	Total Penalty per Issue
TOTAL PENALTY						

PENALTY MUST BE PAID OR APPEAL MUST BE FILED WITHIN 7 DAYS FROM RECEIPT OF THIS PENALTY	SEND PAYMENT TO:
AMOUNT DUE:	Director of Employment Standards 604-401 York Ave. Winnipeg MB R3C 0P8
APPEAL INSTRUCTIONS ON BACK	Make cheque payable to The Manitoba Wage Trust Account

Day	Month	Year
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Jared Beakley
A/Manager, Claim Investigations

<p>How To Appeal:</p> <ol style="list-style-type: none"> 1) A written request to appeal this Administrative Penalty to the Manitoba Labour Board <ol style="list-style-type: none"> a) Include a statement of the facts and the reasons for the appeal; and b) Must be filed with the Director of Employment Standards no later than <ol style="list-style-type: none"> i) 30 days after the notice is served if the penalty relates to subsection 96.1(1) (compensation or reinstatement); and in any other case ii) 7 days after the notice is served c) must include a deposit equal to the amount due on the Administrative Penalty. 2) If the deposit required is more than \$5,000.00, a written request can be submitted to the Director of Employment Standards to refer the matter to the Manitoba Labour Board to consider a reduction of the deposit to an amount not less than \$5,000.00. The minimum deposit of \$5,000.00 must accompany your reduction request. 3) A request for an extension of time to reply to the Administrative Penalty can be made in writing. 	<p><i>The Employment Standards Code, S.M. 1998, c.29</i></p> <p>Appeal to board 138.2(1) The person named in a notice of administrative penalty may, in accordance with subsection (2), request the director to refer it to the board for an appeal of the penalty. Upon receipt of the request, the director must refer the matter to the board.</p> <p>How to appeal 138.2(2) The request to refer a notice of administrative penalty to the board <ol style="list-style-type: none"> (a) must include a statement of the facts and reasons for the appeal; and (b) must be filed with the director <ol style="list-style-type: none"> (i) within 30 days after the notice is served on the person, if the penalty is in respect of a matter for which an order was made under subsection 96.1(1) (compensation or reinstatement), and (ii) in any other case, within seven days after the notice is served on the person, or within any further period of time allowed by the director.</p> <p>Deposit 138.2(3) At the time of filing the request with the director, the person filing it must deposit with the director an amount equal to the penalty being appealed.</p>
<p>What happens if I don't pay or Appeal:</p> <ol style="list-style-type: none"> 1) If you do not comply with this Administrative Penalty, the Director will, pursuant to subsection 103(1) of The Employment Standards Code, file a copy of the Administrative Penalty in the Queen's Bench where it becomes a judgment of that Queen's Bench in favour of the Director. 2) A judgment registered in the Court of Queen's Bench will allow the Director to pursue whatever remedies are available to collect the amount set out in the judgment. These actions may include, but are not limited to, writs of seizure and sale of chattels, attachments of accounts receivable, bank accounts, wages and other similar assets, and the filing of a caveat against real property. 3) Pursuant to Section 103(1.1) of <i>The Employment Standards Code</i> if the Director utilizes the services of a collection agency you may be liable for the collection fees and disbursements associated with the collection of this Penalty. 	<p>Chairperson may reduce deposit 138.2(4) If the amount to be paid as a deposit is more than a prescribed amount, the board chairperson may, on application, reduce it to an amount not less than the prescribed amount if he or she is satisfied that it would be unfair or unreasonable not to do so.</p> <p>Chairperson not to hear appeal 138.2(5) If the chairperson considers an application under subsection (4), he or she must not hear the appeal.</p> <p>Decision of board 138.2(6) After hearing the appeal, the board <ol style="list-style-type: none"> (a) must confirm or revoke the penalty; and (b) if the penalty is confirmed, may award costs against the person required to pay the penalty if, in the board's opinion, <ol style="list-style-type: none"> (i) the person's conduct before the board was unreasonable, or (ii) the appeal was frivolous or vexatious. </p> <p>Application of other provisions 138.2(7) To the extent they are not inconsistent with this section, the provisions of Part 4 relating to orders referred to the board apply, with necessary changes, to an appeal to the board under this section.</p>
	<p><i>Employment Standards Regulation 6/2007</i></p> <p>Reduction of required deposit 30 The prescribed amount for the purposes of the following provision of the Code is \$5,000.: <ol style="list-style-type: none"> (a) subsection 111(2) (reduction of deposit on referral to the board); (b) subsection 138.2(4) (reduction of deposit on appeal of administrative penalty). </p>