

EMPLOYMENT STANDARDS CODE ORDER NOTICE

Attached is an Order as prescribed by *The EMPLOYMENT STANDARDS CODE* setting out wages owed to the parties involved. As a party to the Order you may:

1. Satisfy the Order

Should there be an outstanding amount owed by you, issue a certified cheque or money order payable to the **Province of Manitoba Wage Trust Account**, for the amount indicated in the Order. If payment is received by the Director of Employment Standards within seven (7) days of the service of the Order, no further action will be taken.

2. Appeal the Order

For each Order you wish to appeal, a letter must be filed with the Director of Employment Standards, Manitoba Growth, Enterprise and Trade, within seven (7) days from service of the Order. In your letter, you **must** specify the reasons for the appeal and request that the matter be referred to the Manitoba Labour Board.

Along with the letter of appeal, you must file a deposit of the full amount of the Order, in the form of a certified cheque or money order made payable to the Province of Manitoba Wage Trust Account in order to be timely. In certain circumstances, application may be made to the Chairperson of the Manitoba Labour Board, for a reduction of the required deposit of monies pursuant to the Section 111(2) of *The Employment Standards Code* and Section 30 of the Employment Standards Regulation No. 6/2007. Be sure to indicate the address where you can receive documents related to this appeal.

Please ensure that appeal requests or applications for deposit reductions are sent to the following address:

**Director of Employment Standards
Manitoba Growth, Enterprise and Trade
Room 604-401 York Avenue
Winnipeg, Manitoba R3C 0P8**

**Please note: A letter of appeal and monies if applicable are required for each Order issued. See reverse for the legislative requirements pertaining to the payment of a deposit to the Director or application to the Board Chairperson for a reduction of the deposit.*

3. Request Extension

A letter requesting an extension of time to reply to the Order must be received by the Director of Employment Standards within seven (7) days of service of the Order.

To ensure that deadlines are met, consideration should be given to registered or certified mail or personal delivery to the address above.

If the above requirements are not complied with, the Order will be registered as a judgment in the Court of Queen's Bench which could result in writs of seizure and sale of chattels, attachment of accounts receivable, bank accounts, wages and other similar assets, and the filing of a caveat against real property.

(Please see reverse)

CRITERIA FOR DEPOSITS

The Employment Standards Code, S.M. 1998, c.29

Deposit required

111(1) If the person requesting a referral under section 110 is required by the order to pay wages, the person must deposit with the director, at the time of making the request, an amount equal to the total amount payable by the person under the order.

CRITERIA FOR APPLICATION TO BOARD CHAIRPERSON

The Employment Standards Code, S.M. 1998, c.29

Chairperson may reduce deposit

111(2) 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.

Chairperson not to hear referral

111 (3) The chairperson shall not hear a matter referred to the board under subsection 110(1) if he or she hears an application in respect of the matter under subsection (2).

Employment Standards Regulation 6/2007

Reduction of required deposit

30 The prescribed amount for the purposes of the following provision of the Code is \$5,000.:

- (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).