

## MAY 2023 MONTH IN REVIEW

# Manitoba

### LAWS & ANNOUNCEMENTS

#### Minimum Wage

Apr 1: Manitoba completed Phase 1 of its transition to the \$15 per hour minimum wage by increasing the general rate 85 cents to \$14.15 per hour. A second increase of \$1.15 is scheduled to take effect on Oct. 1 sending the minimum wage to \$15.30 per hour.

**Action Point:** Find out more about the latest round of [minimum wage increases](#) taking effect across Canada

#### New Laws

Apr 24: [Applications](#) began for Canada-Manitoba Job Grants offering employers who want to provide employee training through third parties up to \$10,000 per employee and \$100,000 per training project. Small employers with fewer than 100 employees can apply for up to 75% of eligible training costs and larger employers with 100 or more employees can apply for up to 50% of training costs.

#### Leaves of Absence

Apr 10: [Private Member Bill 210](#), which would provide employees up to 3 days of paid leave if their pregnancy or the pregnancy of their spouse or common-law partner ends in miscarriage or stillbirth, has advanced past Second Reading.

#### Leaves of Absence

Apr 11: Second Reading for [Private Member Bill 235](#) which would increase unpaid

leave for the death of a family member under the *Employment Standards Code* from 3 to 5 days. Employees would also get 5 days' unpaid leave if they or a spouse or common-law partner experiences a loss of pregnancy.

## **New Laws**

Apr 17: [Bill 36](#), which would make it easier and faster for members of regulated professions in other Canadian provinces to get recognized and begin plying their trade in Manitoba, passed Second Reading.

## **Workplace Violence**

Apr 2: Manitoba launched a new \$1.3 million community-based sexual assault crisis response and healing program to provide support for survivors of sexual assault and intimate partner violence. The new program will complement Manitoba's Provincial Sexual Assault and Intimate Partner Violence program.

## **Workplace Harassment**

Apr 18: [Private Member Bill 215](#) establishing new legal limits on the use of non-disclosure agreements to settle claims of harassment and discrimination has made it past Second Reading.

**Action Point:** Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

## **Workplace Violence**

Apr 11: [Bill 16](#) would amend the *Domestic Violence and Stalking Act* to require persons applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.

**Action Point:** Find out about the 10 things you must do to [prevent workplace violence](#)

## **Privacy**

Apr 12: Second Reading for [Bill 27](#), which would make it easier for victims whose intimate images are published without consent to collect money damages by establishing the presumption that published images were nonconsensual. The

accused would then have the burden of proving that they had reasonable grounds to believe that the accuser did consent to the publication.

## Workers Comp

Apr 12: Legislation, [Bill 25](#), extending the presumption that specific heart injuries and cancers suffered by firefighters are work-related for purposes of workers comp to wildfire firefighters, is through Second Reading and will likely pass in the next session.

## CASES

### Theft: Rank-and-File Employee Owes Company from Which She Stole a Fiduciary Duty

The owner of a gas station and small convenience store fired a clerk for stealing lottery and scratch-off tickets. Upon investigating, the owner was appalled to learn that over a 4-year period, the clerk's lottery ticket thefts had cost the business over \$425,000. The owner sued the clerk to recover the money and asked the Manitoba court to declare her a fiduciary of the business, meaning that the debt wouldn't be discharged if she were to file for bankruptcy. And that's precisely what the court did, finding that the clerk had a fiduciary duty to the business even though she was never anything more than a rank-and-file employee. However, the court declined to make the clerk pay the owner punitive damages [[5379904 Manitoba Ltd. v. Hallick et al.](#), 2023 MBKB 63 (CanLII), March 29, 2023].

**Action Point:** Implement a [legally sound anti-theft policy](#) at your workplace