

# UNDER 18 HANDBOOK

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A LEGAL GUIDE FOR MANITOBA TEENS



MANITOBA ASSOCIATION FOR  
RIGHTS & LIBERTIES





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# INTRODUCTION TO THE UNDER 18 HANDBOOK

Persons under the age of 18 have a special place in our society. As members of the whole society, they are governed by most of the laws that everyone else lives with. But because they are not adults, there are other distinct laws that apply only to people under 18.

We have written this handbook principally for people between the ages of 12 and 18. It is intended to introduce various laws and community resources that young persons can

use. While many laws discussed or referred to are common to all Manitobans, there is specific emphasis on those rules that affect only youth under 18.

We have also written this handbook for teachers and others who work with youth in the community. We hope that having access to this handbook will be helpful to you and the young people with whom you come into contact.

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## USING THIS HANDBOOK

This handbook has been developed using a question and answer format. We have attempted to anticipate questions a person between the ages of 12 and 18 might have within the various areas of law. The Table of Contents is organized under subject headings and includes the page number where each subject can be found. Whenever possible, community resources have been included in the appropriate section of the handbook.

You will also find the community resources listed by subject heading at the back of the handbook. It is our hope that the material provided in each section can stand on its own and be reproduced as a handout for students or clients, if desired.

As changes in the law or community resources develop, we will provide replacement pages so that the information remains current.



# CHAPTER 1 YOU AND THE LAW

**When you are 7**, you will have to begin attending school.

**When you are 12**, you may babysit children for money, be left alone, and be charged criminally as a young person

**When you are 14**, you can be charged criminally as a young person and, in some cases, you can be sentenced as an adult offender.

**When you are 16**, you can enter the work force without a permit, get married with the consent of your parents, make a health care directive, get a driver's license with your parents' permission, and register a motor vehicle with your parents' permission.

**When you are 18**, you can quit school, get married, try to find your birth parents if you are adopted, be charged criminally as an adult, get a driver's license without your parents' permission, register a motor vehicle without your parents' permission, purchase and legally smoke tobacco products, purchase and legally drink alcohol, legally get into bars, and vote.

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## THE LAWS

### What are laws?

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**A statute is a formal, written document of the government stating the laws.**

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Laws are the rules made by the government that all members of society must follow. Laws help us maintain a sense of order and give us a way to solve problems peacefully. Laws are made by the federal Parliament or by the provincial legislatures. These laws are called *statutes*. One example of a statute is the Criminal Code, which sets out what are crimes in Canada.

Laws also come from our common law system. The common law is made up of all of the cases which have gone to court in the past. The decisions made by the judges in those cases have become legal principles still used by the courts today. One example of a legal principle made by the common law is the idea of contracts.

There are several areas of law such as criminal law, civil law and family law.

### Who makes the laws?

The governments of provinces and Canada make the laws to keep order and peace in society. Without laws there would be no rules to live by. Bad people and bullies could do whatever they wanted, with no threat of consequences.



It is the voters who decide who makes the laws. The governments that make and change the laws are elected by voters. Therefore, people vote for the person whom they think will make the best laws.

To find out more about current government members and policies, phone the *Citizens' Inquiry Service* or *Government of Canada Information*.

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**Citizens' Inquiry Service:**  
**1-866-626-4862 (toll-free number)**  
**or 204-945-3744**

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**Government of Canada Information:**  
**1-800-622-6232**

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### Who can vote?

Canadian citizens who are 18 or older can vote. For Manitoba elections, voters must have lived in Manitoba for 6 months before an election in order to be eligible to vote.

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## THE COURTS

### What do the courts do?

The courts hear all types of cases. The most common cases are criminal, civil, and family cases.

The courts determine guilt or innocence in a criminal matter and decide on the appropriate punishment. The courts also resolve conflict in both civil and family matters.

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**Winnipeg Courts Office:**  
**204-945-3454 or 204-945-0344**

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If you have any questions about our court system phone the *Winnipeg Courts Office*.

### What happens in a criminal case?

If you are under the age of 18 and are charged criminally with breaking the law, your case will be heard by a youth court.

The government of Manitoba - the Crown - *prosecutes* you and is represented by a lawyer. To be prosecuted means You may be represented in court by a lawyer of your choice or you may represent yourself.

The judge or jury will hear both sides of the case and decide whether you are guilty or not guilty. If you are guilty, the judge will decide on the appropriate penalty for the crime.

### What happens in a civil case?

A civil case is when a person sues you, or when you sue them for damage caused to property, or to enforce a specific right.

Both sides may be represented by lawyers or may represent themselves. The judge hears both sides of the case and decides whether the person who is being sued for causing the damage is responsible to the other to pay for that damage. The judge may also order the person being sued to pay extra money for any pain or suffering his or her actions have caused, or to do specific things. However, you cannot sue for non-physical suffering by itself.

When a person is suing for less than \$10,000, the case will be heard by Small Claims Court. This court is aimed at settling disputes between individuals without them having to hire a lawyer. One of the main differences is that Small Claims Court can only order repayment of a financial loss that someone has already had (they cannot order payment



for something broken, for example, if you haven't paid to have it fixed already). They also cannot order someone to do something that they don't want to do (other than pay money). The rules are far less formal and most people represent themselves. It only costs \$25 - \$50 to have a matter heard in Small Claims Court, but if you lose, you have to pay the amount the suit was for, and the court may order you to pay up to \$100 to cover the other side's costs.

### **What happens if I lose my case?**

If you lose at Small Claims Court, you may be able to appeal to the Court of Queen's Bench. If you lose that appeal, or if your case started its first court level in the Court of Queen's Bench, you may be allowed to appeal to a higher court. This higher court is called the Manitoba Court of Appeal. Instead of one judge, three judges hear the case at the Court of Appeal. They can agree with the original decision, change it, or order a new trial.

If you lose at the Court of Appeal level you may, in rare situations, be able to appeal to the Supreme Court of Canada. The Supreme Court of Canada is the final court of appeal for Canada and has nine judges. Not all cases can be appealed to the Supreme Court; Supreme Court judges will only hear cases that they feel are of national importance.

### **Are there any disputes that are not resolved in court?**

Sometimes, mediation might be a good option for resolving your dispute. Mediation Services (204-925-3410) offers no-charge services to help individuals and groups in the community with resolving their disputes.

Other types of issues are dealt with in less formal ways than by the courts. There are some government agencies that are set up to deal with specific types of disputes. They are called boards or tribunals. One example of this kind of agency is the Residential Tenancies Branch, which hears cases about disputes between landlords and tenants.

Appearing before a board is less formal than a court hearing. Many people choose to represent themselves in front of a board.

### **What happens in a family case if my parents want to split up?**

When married people, or people who have been living together for a long time, are no longer able to live together, they are able to apply to a family court for a divorce (if they are married) or to help determine how to divide their property and to provide assistance with family issues following the split. See Chapter 5 on Relationships for more information.

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## **LAWYERS**

### **Why do I need a lawyer?**

Different types of lawyers handle different types of cases.

If you are arrested or held by police, you need to know your rights. Lawyers know what your rights are and you can, and should, ask to speak to one if you are arrested. A lawyer is also more familiar with the laws of Canada and can better argue your side of the case in court.

If you are involved in a non-criminal dispute, you may wish to speak to a lawyer about your issue to help you to navigate the legal system or help you solve the problem.



## How do I find a lawyer?

You may represent yourself, you may hire a lawyer, or you may apply for *legal aid* to argue your side of the case. Please note that Legal Aid Manitoba can only assist you in certain types of matters. Contact them for more details.

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**Legal Aid Manitoba:  
1-800-261-2960 or 204-985-8500**

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There are many ways to find a lawyer. You can find one by asking other people who have used lawyers or by looking in the Yellow Pages. Many lawyers list the areas of law they practice in their advertisement.

At the first meeting with your lawyer, you can ask the lawyer any questions that you have. You may also want to find out how much this lawyer charges, how long the case will take, or how best to deal with your case.

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**Law Phone-In and Lawyer Referral Program:  
204-943-2303 or 1-800-262-8800 outside  
Winnipeg; e-mail: [info@communitylegal.mb.ca](mailto:info@communitylegal.mb.ca)**

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Another way to find a lawyer is to call the *Law Phone-In and Lawyer Referral Program*. This non-profit community service provides legal information to Manitobans free of charge and is sponsored by the Community Legal Education Association. It can also refer people to a lawyer in the area of law needed for one-half hour of free advice.

## What happens at the first meeting with the lawyer?

At the first meeting, you can expect that your lawyer will:

- ask you to explain your problem;
- make some notes;
- ask you questions to better understand your case;
- tell you a few ways that you could handle your case;
- tell you what is in your best interest; and
- ask what you would like to do.

Pleading means to respond “guilty” or “not guilty” to charges against you.

How the lawyer handles your case is up to you. Your lawyer cannot force you to do anything that you don’t agree to. For example, your lawyer cannot *plead* you guilty if you want to plead not guilty.

## What should I tell my lawyer?

You should tell your lawyer anything that can help or hurt your case. If you have a criminal record, you should let your lawyer know so that he or she can better prepare your case.

Your lawyer is bound by solicitor-client privilege. This means that your lawyer cannot tell anyone else what you tell him or her, except if you tell them that you are going to hurt yourself or someone else in the future. Police cannot order your lawyer to tell them anything you have said either.

## Is there anything I say that my lawyer can repeat to police?

The only time that your lawyer can violate your confidence is if you say that you are going to commit a violent crime in the future or if you give permission to do so. Your lawyer cannot repeat anything about a violent crime that you have committed in the past.



## What if I am arrested in the middle of the night?

The easiest way to find a lawyer is through the Yellow Pages under “Lawyers”. If you are arrested, you likely need a criminal lawyer, so find one that lists “criminal law” in their advertisement. Most lawyers have an on-call lawyer who can speak to you in the middle of the night. You do not have to keep the lawyer you find this way. You can find another if you wish. You also have the right to contact your parents if you are under 18.

You can also ask the police to give you the number for Legal Aid and let you talk to their on-call lawyer. The on-call lawyer can give you initial information about what to do when you are arrested for free. You do not have to qualify or apply to Legal Aid in order to talk to this on-call lawyer.

*Refer to Chapter 11: You and Crime for more information*

## What if I don't like my lawyer?

You may fire your lawyer at any time throughout the process, but you will have to pay your lawyer for the work he or she has already done.

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## LEGAL AID

### What if I can't afford a lawyer?

If you can't afford to pay a lawyer, you may be able to get legal aid for certain types of cases. To get legal aid services, you have to fill out an application form, and the legal aid office will decide whether you qualify, based on your income.

Not all lawyers accept cases through Legal Aid Manitoba. Make sure that the lawyer you choose works on legal aid cases. Or, you may have a lawyer appointed to you from the Legal Aid office.

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### Legal Aid Manitoba advice and referral line: 1-800-261-2960

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For more information about whether you are able to get legal aid, phone the *Legal Aid Manitoba advice and referral line*.

If you do not qualify for legal aid, or if your matter is not one that legal aid handles, The Legal Help Centre may be able to assist you. The Legal Help Centre provides legal information on the law and legal processes to people who are representing themselves. For more information on their services and the days and times of their drop-in clinics, call 204-258-3096. Note, they are unable to provide legal information by phone.

### How much does legal aid cost?

If you are granted legal aid, you may be eligible to have your services completely free. Depending on your income, you may be required to repay a portion of the cost of your legal services.

You may also have to pay an application fee depending on your ability to pay.



# CHAPTER 2 YOU AND SCHOOL

## ATTENDING SCHOOL

### Do I have to go to school?

Yes, if you are within the ages of 7 and 17, you must go to school.

Parents or guardians must make sure children within the ages of 7 and 17 go to school. If a child does not go to school, the parent or guardian can be charged with an offence.

### How long can I attend school?

Between the ages of 6 and 21 you have the right to attend public school. If you drop out of school before graduating, you may return at any time before you turn 21.

### Where can I go to school?

You can go to the catchment school in your local school division closest to where you live.

You may apply to go to another school within your school division or outside of your school division. Your parents will need to submit your application.

You may go to a private school, but you will have to pay money to attend.

### Will I be guaranteed a spot at the school of my choice?

No. A school will only enrol a student if there is room in that school.

You cannot be denied a spot in the school of your choice based on your past academic

performance. But you may be denied your request on the basis of past disciplinary problems.

### Does it cost anything to go to a school of my choice?

No, not in most cases. It does, however, cost money to go to a private school.

### Will I get bus transportation to a public school of my choice?

The only time you will get bus transportation to a school outside of your home catchment school is if the outside school provides a program that your local division does not, and if you qualify for transportation under the regular transportation policy of the outside division.

### What happens if I skip school?

If you skip school without a good excuse, the principal must report your absence to the school attendance officer. The school attendance officer may look for you and either take you home or back to school.

If you are absent from school too often, Child and Family Services may be called and the school may institute other disciplinary action.

If you skip school too often during high school, you may be denied credit and not be able to graduate.

### When can I quit school?

You can quit school when you turn 18. You do not need your parents' approval.



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## CAUSING TROUBLE AT SCHOOL

### What is not allowed at school?

If your actions cause a disturbance or interruption during school activities, you may be asked to leave school premises.

A zero tolerance policy means that you will be punished or expelled on the first occurrence of violence, or on the first occurrence of drug, alcohol, or weapons possession. The school will not overlook any such occurrences and you will be punished to the fullest degree.

All schools have a strict *zero tolerance policy* for violence, drugs, alcohol, and weapons.

Written Codes of Conduct are now required for all schools in Manitoba. These codes contain specific provisions to deal with bullying, as well as minimum punishments for certain behavior.

### What kind of punishment can the school give?

If you are caught with alcohol, drugs, or tobacco, or if you make threats, use violent behaviour, carry a weapon, cause a disturbance, or violate some other school rule, the principal can:

- schedule an interview with you and your parents;
- give you detention;
- remove you from the classroom;
- take away privileges including recess or sports;
- make an appointment for you with social workers or counsellors;

- suspend you;
- expel you; or
- contact the police.

### What happens if I am suspended?

If you are suspended, you cannot go to school for the length of time stated by the school. Your parents are also notified.

If the suspension is for more than five days, your parents may appeal the suspension to the school board. Additionally, if you are suspended for more than five days, the school must make sure that educational programming is made available to you.

### What happens if I am expelled?

If you are expelled, you will not be allowed to return to that school at all. Before the expulsion is final, however, there will be a hearing in front of the school board at which you or your parents are allowed to appeal the decision. You are given the chance to speak on your own behalf if this happens.

Even if you are expelled, the school division must make educational programming available to you.

### Are teachers or the principal allowed to punish me using physical force?

Each school has a different policy regarding the use of physical force.

A teacher or principal may use physical force to punish you, as long as the force is used for “educative” or “corrective” purposes and does not exceed what is reasonable in the circumstances.



Physical force used against children and youth is a controversial issue. According to the Criminal Code, a teacher or principal may use force that does not exceed what is reasonable under the circumstances. In a school setting, corporal punishment or physical violence is unacceptable, but a child may be physically removed from a classroom or guided if necessary.

It is never acceptable for an adult to:

- Use force on a child under 2 or on a teenager
- Use force to cause harm or force that might cause bodily harm
- Use force out of anger, frustration, or because of an “abusive personality”
- Use an object to hit a child (rulers, sticks, hairbrushes, etc.)
- Hit a child in the head
- Degrade or humiliate a child in an inhumane or harmful manner, such as public spanking or taking off clothes

If you feel that a teacher or an adult has used force that exceeded the circumstances, speak to a trusted adult, the police, or one of the following resources for more information:

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**Child and Family Services: 1-866-345-9241**  
**Kids Help Phone: 1-800-668-6868**  
**ChildHelp: 1-800-422-4453**

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### **Can school officials search my locker or me?**

Your locker is considered school property and may be searched by school officials at any time.

School officials can search you or your possessions (like a backpack) when they have

reasonable grounds to believe that you have violated a school rule and that a search would provide them with evidence of the violation.

Reasonable grounds may include:

- information from one student thought to be believable;
- information from more than one student; information from a teacher’s or a principal’s own observations; or
- any combination of these pieces of information.

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## **SCHOOL RECORDS**

### **What is a school record?**

When you start kindergarten, the school begins to keep a record on you. This record is passed along whenever you change schools. This record contains information about your attendance, grades, health, suspensions, and any letters to and from parents.

### **Can I see my student record?**

You cannot see your student record until you turn 18.

### **Can anyone else look at my student record?**

Your parents may be able look at your student record until you turn 18. After you turn 18, they will need your permission to look at your record.

The school attendance officer can also look at student records to find out the names, ages, and addresses of students.



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## RELIGIOUS CLASSES IN PUBLIC SCHOOLS

### Do I have to take religious classes?

If your parents want you to take religious classes and the parents of at least 25 students (in schools with three or more classrooms) petition for it, the school must provide religious classes for these students.

If your parents do not want you taking religious classes, you may be excused from them.

### Who teaches the classes?

A clergyman, priest, rabbi, or other spiritual leader must teach the classes.

### How long are the classes?

The religious classes cannot take up more than 2.5 hours per week.

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## RELIGIOUS EXERCISES IN PUBLIC SCHOOLS

### What are religious exercises?

A religion is an entire collection of beliefs, values, and practices that a group or community holds sacred. Religious exercises are what people in the religious community do to outwardly engage with their spiritual beliefs.

### Do I have to pray in school?

You do not have to pray in school if your parents do not want you to.

You do have to pray in school if your parents want you to and at least 60 other parents

petition to have religious prayer in school. If the school has less than 80 students, at least 75 per cent of the parents must petition to have prayer in school.

### How long do religious exercises last?

Religious exercises cannot exceed 10 minutes per day and cannot take place during regular instruction hours.

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## PATRIOTIC OBSERVANCES

### What are patriotic observances?

Patriotic observances are activities involving taking pride in being Canadian. This includes singing the first verse of O Canada each morning and the singing of the first verse of God Save the Queen at the end of each school day. Also, once a year the schools perform Remembrance Day ceremonies.

### Do I have to sing O Canada and God Save the Queen?

If your school provides it, you have to sing with the other students unless you are excused because of a medical condition or other grounds that have been approved by the school board.

### Do I have to stand while singing?

If your school provides it, you do have to stand while singing, without talking or causing any other disturbance.



# CHAPTER 3 MAKING MONEY

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## GETTING A JOB

### How old do I have to be to work?

You must be 16 or older to work at most jobs.

You may work if you are under 16 if you have been granted a Child Employment Permit from the Employment Standards Branch. The permit must be signed by you, your parent, and the employer. If the work is to occur during the school year, then your principal must sign as well. If you are under 16, you cannot work at a job that is harmful to your safety, health, or well-being.

### How can I find a job?

Check the “Student Jobs” section of the National Job Bank website at: [www.jobbank.gc.ca](http://www.jobbank.gc.ca).

Employers often post ads in newspapers or at the place of employment.

Employers will often accept applications and resumes even if they have not advertised for employment.

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### Youth Employment Service of Manitoba: 204-987-8660

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You can contact the *Youth Employment Service of Manitoba*, which helps young people, aged 16 to 24, find employment. They offer training referrals, employment counselling, job search assistance, and information on training.

The Province also maintains a job-related website at: [www.mb4youth.ca](http://www.mb4youth.ca). It contains information about all the various services and programs offered for youth in Manitoba, including employment and training resources.

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## HOURS OF WORK

### How many hours can I work?

The standard full-time job is 40 hours per week. A usual work week is five days a week, for eight hours a day.

Some employers hire people for part-time work, which can be one or two days a week for four to five hour shifts.

If you are under 16, you may not work more than 20 hours per week during a week of school.

### What if I work longer than eight hours in one day?

If you work more than eight hours in one day, your employer must pay you overtime or give you time off instead of the overtime pay.

### Do I have to work overtime?

Generally, an employer is not allowed to force an employee to work overtime. If you are under 16, you cannot work more than 20 hours per week during a week of school.



## How many days in a row can I work?

You are entitled to a rest period of not less than 24 consecutive hours in each week.

## Do I have to work on Sundays?

Generally, yes. However, in some retail businesses (with more than 4 employees working on a Sunday) you can refuse to work on a Sunday. In those circumstances, you must give the employer at least 14 days' notice before the Sunday.

## What if I start or finish work after midnight?

If you start or end your shift between 12:00 a.m. and 6:00 a.m., and both your work and home are within the same city or town, your employer must provide transportation to or from work.

If you are under 16, you cannot work between the hours of 11:00 p.m. and 6:00 a.m.

If you are under 18, you cannot work alone between the hours of 11:00 p.m. and 6:00 a.m., and if you are under 16, you cannot work alone at all without specific permission on your work permit.

## Do I get any breaks?

For every five hours that you work, your employer must allow you a half-hour break. Your employer is not required to pay you during this break.

Under the law, an employer does not have to provide coffee breaks, but many employers provide one coffee break for every four hours of work.

## What if I don't think my employer is treating me fairly?

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**Employment Standards Branch:**  
**204-945-3352 or 1-800-821-4307**

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You can make a complaint to the *Employment Standards Branch*. This office can provide you with information about minimum standards of employment, including hours, wages, vacations, and employee rights. The Employment Standards Branch can also investigate complaints and suspected violations of employment standards law.

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**Workers Organizing Resource Centre:**  
**204-947-2220**

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You may also contact the *Workers Organizing Resource Centre*, which provides assistance with workplace rights and issues.

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## WAGES

### How much will I get paid?

Employers cannot pay someone less than minimum wage, even if the employee is under 18. As of October 1, 2015, Manitoba's minimum wage is \$11.00/hour. Some jobs pay more than minimum wage.

In some cases, employers may be allowed to pay less than minimum wage to employees with a physical or mental handicap.



## How much will I get paid if I work overtime?

Overtime, or “time-and-a-half”, is your hourly rate of pay plus half. You are only paid overtime for that time over eight hours in a day or 40 hours in a week, and only if the overtime was requested or authorized by the employer. For example, if you are required to work a nine-hour shift, you will be paid overtime for one hour. If you are being paid minimum wage, for the first eight hours you will be paid \$11.00 per hour, but for the last hour you will be paid \$16.50.

In some cases, where employees have substantial control over their hours of work, they may not be eligible for overtime.

You and your employer may agree in writing that you will take time off with pay instead of payment at 1.5 times your rate. For example, if you are entitled to overtime pay of 1.5 times your usual rate of pay, you may agree to time off equal to 1.5 times the number of hours of overtime you worked at your regular wage. This is typically only done with salaried employees who are not paid by the hour.

## How often do I get paid?

Normally, employees are paid twice per month.

## Can my employer deduct money from my paycheque?

The only deductions that can be taken from your paycheck are those authorized by law, or those that you specifically agree to. An employer does not have the right to charge you for any costs or losses.

Whenever you are paid, your employer must provide a statement showing your regular hours and overtime hours of pay. It must also show your rate of pay, as well as any deductions made and the reason for each deduction.

Most paycheques will include government deductions for income taxes, Employment Insurance, and the Canada Pension Plan. One common non-government deduction is for a uniform required for work. The deduction for the uniform cannot result in your wages being less than minimum wage.

## What if I go to work and it's not busy?

If you show up for work and are sent home because it is not busy, your employer must pay you for at least three hours whether you work them or not, unless you were scheduled for less than three hours.

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## GETTING TIME OFF

### What if I want time off work?

For every complete year that you work with an employer, you are entitled to two weeks of vacation. After five years with the same employer, this rises to three weeks. For every week of vacation, you are entitled to earn two per cent of your regular wages. So, if you are entitled to two weeks of vacation in a year, your vacation pay would equal four per cent of your regular hourly wage. Vacation pay is typically paid out on every paycheque if you are an hourly employee, or, if you are a full-time employee, as your regular payment while you are actually on vacation.



Some employers will let you take time off work without pay whenever you want, as long as you give them notice of this request for time off. The employer may also refuse this request.

### **Do I have to work on general holidays?**

The seven annual general holidays in Manitoba are: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; and Christmas Day.

If your employer requires it, you must work on a general holiday. However, you will be paid overtime for all work done on a general holiday.

If you earn wages for 15 days out of 30 days before the holiday, and you are available to work on your regular working days before and after the holiday, you are entitled to your regular pay for that day, plus the day off.

If you earn minimum wage, and one of your scheduled work days falls on a holiday, you may not have to work 15 out of 30 days before the holiday to qualify for holiday pay. As long as you worked the last scheduled shift before the holiday, as well as the rest of the scheduled work days that week, you are entitled to your regular pay for that day plus the day off.

If you qualify for holiday pay and your employer requires that you work on the holiday, you are entitled to your regular pay for that day, as well as overtime pay for any hours worked.

In some cases, depending on the type of work you do, your employer does not have to pay you overtime wages on a holiday. If you work at a gas station, hospital, hotel, restaurant, or in a continuously operating plant, amusement place, seasonal industry,

or domestic service, and are required to work on a holiday, you are entitled to your regular wage for that day, as well as a paid day off to be taken within one month.

### **Am I allowed time off if I am pregnant?**

Only a female who has worked seven consecutive months at her place of employment and who is pregnant will be granted unpaid maternity leave. A woman must apply for maternity leave at least four weeks before the leave is to begin and have a doctor's certificate confirming the pregnancy. If this is done, she is entitled to 17 weeks of unpaid maternity leave. Maternity leave may begin any time during the 17 weeks before the expected delivery day, and it must end no later than 17 weeks after the date of delivery.

If you take maternity leave, you are allowed to return to your old position after the leave or to a comparable position at the same wage and with the same benefits.

### **Am I allowed time off if I am about to become a parent?**

Any man or woman who has become a parent by birth or adoption and who has worked seven consecutive months at the same job is entitled to 37 weeks of unpaid parental leave. Parental leave also requires written notice four weeks in advance.

A woman who has given birth to a baby must take parental leave immediately after her maternity leave is finished. Fathers may take parental leave at any time within 52 weeks of the child's birth or adoption.

If you take parental leave, you are allowed to return to your old position after the leave or to a comparable position at the same wage and with the same benefits.

If you want to end your maternity leave or parental leave early, you must give your employer written notice of at least two weeks or one pay period, whichever is longer.

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## THE END OF A JOB

### How much notice must I give if I quit a job?

During the first 30 days of working for someone, you can quit your job without giving any notice. Once you have been employed for longer than 30 days, but less than a year, you usually must give one week notice to your employer if you plan to quit. After a year with the same employer, you usually must give two weeks' notice. You do not need to give any notice when your employer has acted in an inappropriate or violent manner towards you.

### Does my employer have to give me notice before firing me or laying me off?

During the first 30 days of employment, your employer can fire you at any time. Once you have been employed for longer than 30 days, your employer usually must give you notice of at least one week, or longer depending on how long you have been working for the employer.

If you are not given enough notice by your employer, you must be paid the wages you would have earned if such notice had been given.

In certain situations, such as if you were caught stealing, your employer doesn't have to give you any notice.

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## HEALTH AND SAFETY AT WORK

### Does my employer have a duty to protect my safety at work?

All employers must ensure the safety, health, and welfare of all employees at work. Your employer must provide and maintain a workplace with equipment, systems, and tools that are safe and without risks to health or safety.

Every employer must also provide information, instruction, training, and supervision to all workers asked to perform a specific job.

### What are my responsibilities in maintaining a safe workplace?

All workers have a responsibility to take steps to protect their own safety and the safety of others at work. If your work requires you to use safety devices when doing your job, you have to use them.

Any unsafe condition must be corrected and should be reported to your supervisor immediately.

If a worker does not use all safety devices and is injured on the job, the worker can still get compensation for the injury from the Workers Compensation Board.

### What if I don't think my workplace is safe?

You should refuse to work if you reasonably believe that something in the workplace is dangerous to your health or safety, or if you feel that you cannot safely perform a required task. You should immediately report unsafe conditions to your supervisor or the person in charge.



An employer must not force you to work in conditions known to be dangerous. You cannot be fired or disciplined for refusing to work in conditions that you believe to be unsafe.

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**Workplace Safety and Health Branch:  
204-945-3446 or 1-800-282-8069**

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If your supervisor or the person in charge of the workplace does not or cannot help you, then you may make a complaint to a health and safety officer at the *Workplace Safety and Health Branch*.

### **What can a health and safety officer do?**

A health and safety officer can order that the employer improve the situation within a reasonable time.

If the employer does not fix the dangerous work condition or if the condition can cause immediate danger to workers, the officer can order that work be stopped until the condition is fixed.

### **What happens if I get injured at work?**

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**Workers Compensation Board:  
204-945-4100 or 1-800-362-3340**

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If you get injured on the job, you may qualify for benefits from the *Workers Compensation Board*. Many workplaces are covered by Workers Compensation, which is a fund that compensates workers for work-related injuries. Not all injuries, and not all workplaces, are covered by Workers Compensation. If you are injured, your case will be assessed after you apply for benefits.

It is very important that you report all injuries (whether or not the injury results in time lost from work) as soon as possible after they happen. Your employer is responsible for reporting the injury to the Workers Compensation Board. If your employer does not, then you should.

### **Can an employer ask me to work alone?**

If you are under 18, you cannot work alone between the hours of 11:00 p.m. and 6:00 a.m., and if you are under 16, you cannot work alone at all without specific permission on your work permit.

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## **UNIONS**

### **What is a union?**

Unions are organizations formed by workers to represent the interests of workers in the workplace. This includes raising issues on behalf of workers or defending workers' rights in the workplace.

Unions have procedures for solving problems between employees and their employer. Unions have the organization and bargaining power that is needed for workers to negotiate effectively with their employer. This includes using the right to strike when an agreement cannot be reached.

### **Do I have to join the union at my work?**

Sometimes, yes. It will depend on the agreement between your employer and the union at your workplace. No matter what, if your workplace has a union, you will likely have to pay the union dues. You will still benefit from the union contract with the



employer regarding wages, benefits, hours, and conditions of work.

### **What can a union do for me?**

A union will deal with your employer for you, looking out for your best interests regarding wages, benefits, hours, and conditions of work.

If you have a complaint about the way your employer is treating you, contact your union to report your complaint.

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**Manitoba Labour Board:  
204-945-3783**

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### **What if the union is not representing me?**

Unions have a duty to represent their members fairly and equally. If you feel that your union has not represented you well, you can contact the *Manitoba Labour Board*.

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## **OTHER WAYS OF MAKING MONEY**

### **Can I sell things that I make?**

You can sell things that you make, but you may need to be licenced. Most small businesses must be licenced if they are selling goods.

### **How do I start my own business?**

Many businesses need to be licenced by the city or town they are in. To find out whether your business needs to be licenced, you can contact your local municipal office.

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**Companies Office:  
204-945-2500 or 1-800-246-8353**

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If your business has a name that you would like to keep for your own use, you may register the name with the *Companies Office*, a Manitoba government department. Once you pay a fee to register the name, no other business in Manitoba can use exactly the same name. The registration expires at the end of three years, but can be renewed.

### **Can I squeegee?**

No, squeegeeing is now illegal in Winnipeg, and anyone convicted of squeegeeing may have to pay a fine.

### **Can I panhandle?**

In Winnipeg, panhandling (begging for money) is not illegal. There are, however, some restrictions that must be followed.

If you are going to panhandle, you cannot block someone's way or physically stop them, and you cannot physically approach someone as a group of three or more people. You also cannot panhandle someone at a bank machine, bus stop, payphone, taxi stand or in a bus, car, elevator, pedestrian walkway, or an outdoor restaurant or bar. If the person says "no" or walks away, you must stop.

If you verbally or physically threaten someone, or follow someone who has said "no" or walked away, you could be charged with assault or causing a disturbance.

### **Can I babysit?**

If you are over 12, you can babysit children for money.

Babysitting does not have minimum standards like other jobs, and your employer does not have to pay you minimum wage.



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## FINANCIAL ASSISTANCE

### What is Employment Insurance?

Employment Insurance is financial assistance for people who have lost their jobs but are willing to work. Different rules apply to people who are fired or quit their job without a good reason.

### Can I get Employment Insurance?

Usually people who are under 18 are not able to get Employment Insurance because they are in school and are considered unable to work. However, if you have worked while attending school or are no longer in school, you may be eligible.

You can get Employment Insurance if you are willing to work, have worked approximately 900 hours in the last 52 weeks before your employment ended, and have paid into Employment Insurance on your paycheques during that time.

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**Government of Canada Employment Insurance Office: 1-800-206-7218 or online at: [www.hrsdc.gc.ca/en/gateways/individuals/cluster/category/ei.shtml](http://www.hrsdc.gc.ca/en/gateways/individuals/cluster/category/ei.shtml)**

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**Community Unemployed Help Centre: 204-942-6556 or 1-866-942-6556**

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To find out more about Employment Insurance, contact the *Government of Canada Employment Insurance Office*. You may also contact the *Community Unemployed Help Centre*, which provides information regarding Employment Insurance and helps people who have been denied coverage.

### How much does Employment Insurance pay?

If you are eligible for Employment Insurance, you will be paid 55% of your previous weekly earnings up to a maximum of \$413 per week.

### How long can I collect Employment Insurance?

The length of time you can collect Employment Insurance depends on how much you worked in the last 52 weeks, but you cannot collect for longer than 50 weeks.

### What is Social Assistance?

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**Manitoba Employment and Income Assistance Office: 204-945-2177**

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Social Assistance, also known as welfare, is a program of last resort. This means that you must apply to any other financial program for which you are eligible before you will be considered for social assistance. *The Manitoba Employment and Income Assistance Office* provides employment and training support, financial assistance, and counseling services to those who are eligible.

### Can I get Social Assistance?

You may be eligible for Social Assistance if your parents are unable to support you, if you do not have parents, if you are in the care of Child and Family Services, or if you have a child of your own and are not able to support yourself.

The amount of Social Assistance you receive each month includes an allowance for rent and basic necessities such as food and clothing.



If you are in the care of Child and Family Services, you may also be eligible for the Independent Living Program.

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**Workers Organizing Resource Centre:  
204-947-2220**

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For more information about Social Assistance, contact the Manitoba Employment and Income Assistance Office. You may also contact the *Workers Organizing Resource Centre*, which provides information on Social Assistance appeals.

*Please refer to Chapter 7: Child Protection for more information.*

### **What is the Independent Living Program?**

The Independent Living Program helps people under 18 learn to live on their own. The program provides financial support to youths, teaching them how to look for a job and support themselves on their own.



# CHAPTER 4 CONTRACTS

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## BEING UNDER 18 AND CONTRACTS

### What is a contract?

A contract exists when someone offers a product or service to another person who accepts and gives something of value in exchange.

### How are contracts made?

We all make contracts every day of our lives. For example, when you buy a drink from a vending machine, you have made a contract. The owner of the vending machine provides you a drink in exchange for a handful of coins. That is a contract. Another example is when you are hired to shovel your neighbour's snow in the winter in exchange for being paid \$5.

Contracts do not have to be in writing to be legal, though they often are. Contracts can be made verbally or in writing, or they can be implied through the way the people involved are behaving.

### Am I responsible for contracts I make?

Generally, you can't back out of contracts that benefit you in some way. For example, you must follow through with contracts for food, clothing, lodging, work, and schooling. In the case of a contract to purchase goods, you may be entitled to refuse to complete your obligations if the goods are not received or if they are not satisfactory.

In the case of a contract for services, such as a contract for work, under certain circumstances you may be entitled to refuse to complete your obligations. For example, if the working conditions are dangerous or otherwise unsatisfactory, or if you are paying someone to provide a service and that service is not performed. Many contracts for services are subject to provincial labour laws.

You are generally responsible for any goods or services that you have already used.

### Are there any contracts I'm not responsible for?

You are not responsible for contracts that force you to pay a penalty or high amount of interest if the type of penalty or interest rate is prohibited by law.

You are not responsible for contracts if you never accepted someone's offer to provide a product or service to you.

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## CONSUMER PROTECTION

### What happens if I've bought goods that turn out to be stolen?

If goods are stolen and then sold to you, the true owner may take the goods back, even if you didn't know that the goods were stolen. You can sue the seller for the money that you paid for the goods.

You could be charged criminally with possession of goods obtained by crime. You



will only be convicted if the judge believes that you knew or that you reasonably ought to have known that the goods were stolen when you bought them.

### **What is a warranty?**

A warranty is a term in a contract that, for example, can be a promise by the seller to the buyer of goods that the goods will be in a certain condition. If they are not in the promised condition, the buyer can take the goods back to the seller and, depending on the wording of the warranty, exchange them, have them repaired, or obtain a refund.

Many manufacturers also offer additional warranties available for purchase, for example, to repair the goods for a stated longer period of time at no charge.

### **Do all goods have a warranty?**

When buying goods that fall within the provisions of The Sale of Goods Act, there is an implied warranty: that the seller has the right to sell the goods, that the goods are new and unused unless stated otherwise, and that the goods are fit for the purpose for which they are being purchased.

Every statement made by the seller to you in person or through an advertisement is an express warranty and must be true, or the buyer may return the goods. The buyer may also demand a refund on the basis that there has been a misrepresentation.

When you buy used goods from a commercial retailer there is an implied warranty under the Consumer Protection Act. The implied warranty is that the goods are of the quality you would expect from goods as old and used as they are described.

When you buy a used good from a private seller, the Consumer Protection Act does not apply, but you still get some warranty under the Sale of Goods Act, depending on what the seller tells you about the goods.

### **What if I think I have been treated unfairly by a seller?**

Your first step should be to write a letter to the person in charge of the department or to the company's complaint department. You can get the address by phoning the company and asking. This letter should clearly and politely explain your problem and should not be more than one page. Do not make any threats and be sure to include your name, return address, and the current date at the top of the letter. Also, make a copy of the letter to keep for yourself.

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**Consumers' Bureau: 1-800-782-0067  
or 204-945-3800 or online at:  
[www.gov.mb.ca/finance/cca/consumb/](http://www.gov.mb.ca/finance/cca/consumb/)**

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If you do not get a reply within three weeks, you should contact the *Consumers' Bureau*. The Consumers' Bureau will investigate complaints made by consumers and can provide information about consumer rights and responsibilities.

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**Better Business Bureau:  
1-800-385-3074 or 204-989-9010  
or online at: [www.bbbmanitoba.ca](http://www.bbbmanitoba.ca)**

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You can also contact the *Better Business Bureau*, which promotes fair business practices in the retail market of goods and services. If you think that you have been treated unfairly, the Better Business Bureau will provide information to you on businesses and will help to resolve complaints.



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**Consumers' Association of Canada  
(Manitoba): 1-888-596-0900  
or 204-452-2572**

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You can also contact the *Consumers' Association of Canada*, which has information on consumer rights and how to complain effectively.

You may also wish to consult a lawyer.

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## COLLECTION AGENCIES

### What is a collection agency?

A collection agency can take things that you own as long as you agreed when you bought those things that they could be repossessed if you did not complete your obligation to pay for them.

If a court allows, a collection agency or the Sheriff's Department can seize your money or property, possibly through garnishing your wages from a job. Generally, in these circumstances, the person you owe money to will have obtained a court judgment against you, and you will have been given notice that you have been sued.

A debt is the amount of money you owe to someone else.

A collection agency will be able to sell the things they take from you to help pay your *debt*. They may not keep more than what you owe plus the costs of seizing and selling your property.

### What can't a collection agency do to get money from me?

A collection agency can't do anything that will cost you any more money than what you already owe plus the costs allowed by the courts and in law for suing, seizing the property, and selling it.

A collection agency can't trick you with any false documents.

Only one collection agency can try to collect the debt at a time.

A collection agency cannot try to collect money from you unless they first tell you to whom the money is owed, how much is owed, and who they are.

### When can a collection agency try to collect money from me?

A collection agency can only try to collect money between the hours of 7:00 a.m. and 9:00 p.m. and not at all on Sundays or holidays.

### What if I think a collection agency is harassing me?

A collection agency is not allowed to harass you, your family, or your friends. The Consumers' Bureau will listen to your complaint if you feel that you are being harassed by a collection agency.



# CHAPTER 5 RELATIONSHIPS

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## DATING

### Can I have sex with my boyfriend or girlfriend?

No matter how old you or the other person is, it is illegal to have any sexual activity with someone if they do not agree to that activity. Any kind of sexual activity with someone without their consent is a crime.

It is illegal to have sex with someone under the age of 12 years old, whether they agree to it or not.

Someone who is over 12, but under 14, can only consent to sex or sexual touching with a partner who is less than two years older than him or her.

If you are in a position of trust or authority (a teacher or coach for example) it is illegal to have sex with or sexually touch someone who is under 18.

### If I have a sexually transmitted disease, do I need to tell my partner?

Yes. You have both a moral and a legal obligation to tell your partner if he or she is at risk, and you may be charged criminally for not doing so. You do not have an obligation to tell your partner if you have a sexually transmitted disease if you are not planning on, or about to be, engaging in sexual activity.

### What if my boyfriend or girlfriend forces me to have sex?

It is illegal to force people to have sex against their will. It makes no difference if they are strangers, dating, or married, it is still a crime. This is referred to as sexual assault and can be reported to the police.

Even if your girlfriend or boyfriend agrees to one type of sexual activity, it does not mean that she or he agrees to all types of sexual activity.

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**Klinic Community Health Centre**  
**24-hour Crisis Line: 204-786-8686**  
**or toll-free 1-888-322-3019**  
**Sexual Assault Counselling:**  
**204-786-8631 or 1-888-292-7563**

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If you have been forced to have sex or engage in sexual activities, you can contact the police or call 911. You can also call the *Klinic Community Health Centre* or attend their drop-in counselling services on Wednesdays from noon to 7:00 p.m. or Fridays from noon to 4:00 p.m.

### What if my boyfriend or girlfriend hits me?

Physical abuse of any kind is a crime. You are a victim of abuse if your partner is hitting, pushing, pinching, or threatening you.

In Manitoba, there is a zero tolerance policy on this kind of relationship abuse, which means that if the police know or think that abuse is happening, they can arrest the accused person whether you press charges or not.



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**Winnipeg Police Service:  
204-986-6222  
or in an emergency, 911**

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If you are being abused by your partner and you wish to report this abuse, call the *Winnipeg Police Service*. Outside Winnipeg, call your local RCMP.

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## LIVING TOGETHER

### Is there anything I should know about living together?

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**Vital Statistics Agency:  
1-800-282-8069 ext. 3701  
or 204-945-3701**

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You will be considered “common law” if you register your relationship with the *Vital Statistics Agency*, or if you live together for a certain period of time. The length of time required varies depending on the purpose. In some instances, it’s one year, but for many other purposes it’s three years. To be able to claim support for yourself from your partner, you need to live together for three years or for one year if you have a child together.

“Common law partners” applies to either heterosexual or homosexual couples.

In Manitoba, common law partners have the same rights and obligations as if they were married. Like spouses, this means they have an obligation to support each other.

You can opt out of rights and obligations imposed by the Act by creating a cohabitation agreement. A lawyer can, and in some cases must, help you do this.

### How do I end my common law relationship?

If your relationship is registered with the Vital Statistics Agency, you must also register the end of your relationship with the agency. You have lived apart for at least one year.

If you have never registered your relationship, it will end after living apart for a certain amount of time, and will vary by the purpose that you need/want it ended for. You should consult with a lawyer to learn all of the rules and laws relevant to your situation.

### Can I get money from my partner if the relationship ends?

If a common law relationship ends and one person is financially dependent on the other, that party may apply to the court for financial support from the other. This is known as “spousal support.” Parties must have lived together for three years, (or have lived together for one year and have a child together) for any spousal support laws to apply.

### If the relationship ends, is all of the property split equally?

In Manitoba, people who marry or live together do not acquire a specific ownership right to half of the other person’s property. In general, if you are ending a common law relationship, property purchased while living together is treated as shareable property to determine an equalization payment required from one person to the other. You must have lived together for three years for these laws to apply.

If you don’t want to share your assets with your partner if you separate, you may want to consider talking to a lawyer about a cohabitation agreement.



## **If we have children together, what happens if the relationship ends?**

Both parents have a right to apply to the court for custody of, or access to, the children.

Both parents always have responsibilities to help support their children, whether the parents live together or not. If the parents do not live together, the parent with custody or primary care and control of the child or children can apply for child support from the other parent.

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## **CHILDREN BORN TO UNMARRIED PARENTS**

### **How do I register the birth of a child born outside of marriage?**

If you are the mother of a child born outside of marriage, you must register the birth.

The registration will automatically show the last name of the mother as the last name of the child, unless the mother and a man who says he is the father both request in writing that he be named as the father. When both names are used they may be hyphenated.

### **Who is entitled to custody of a child born outside of marriage?**

Sole custody is the right to have the child live exclusively or primarily with one parent and the right for that parent to make all of the decisions for the child without consulting the other parent.

If the parents of a child born outside of marriage have never lived together with the child, the parent who lives with the child

has something similar to *sole custody* of the child. The other parent may apply to the court for custody or visiting rights, but without an order from the court, he or she will have no such custody rights to the child unless the parent with sole custody agrees.

If the parents of a child born outside of marriage have lived together with the child, both parents have an equal right to custody of the child until an order from the court says differently.

### **Do I still have to pay support for a child that I never see?**

Each parent of a child must financially support the child while the child is under the age of 18, whether the parent has custody of the child or not.

If the child is continuing with his or her education, a parent may seek child support from the other parent even though the child is 18 or older.

### **What if the father of my child won't admit he's the father?**

You may apply to the court to determine who the father of your child is.

The court may order DNA tests, but the suspected father can refuse to take them. However, if he refuses, the court may draw a conclusion that he is the father from his refusal.

The court may not take DNA tests from someone who is over 16 without his consent, or under 16 without the consent of his parents.



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## MARRIAGE

### How old do I have to be to get married?

If you are 18 or older, you may get married without anyone else's consent.

If you are over 16, but under 18, you may get married with the consent of your parents or guardian, or with a judge's order.

If you are under 16, you may only get married if you apply to a family court judge for consent.

### Is there anything I should know about being married?

When you get married, you acquire many rights and responsibilities immediately. Most of the rights only become important either when the relationship ends, because there are disputes over children, money, or property, or on the death of a spouse.

One right that you acquire when you marry or live common-law is called a "homestead right". This means that the person who owns the family home cannot sell it without the written consent of his or her spouse or common-law partner. To ensure this, notice of this homestead right may be registered with the Land Titles Office.

### Is my spouse allowed to hit me?

No. Physical abuse of any kind is a crime. You are a victim of abuse if your spouse is hitting, pushing, pinching, or threatening you.

In Manitoba, there is a zero tolerance policy on this kind of spousal abuse, which means that if the police know or think that this is

going on, they can arrest the accused person whether you press charges or not.

To notify police about any abuse, contact the Winnipeg Police Service. Outside Winnipeg, contact your local RCMP.

### Where can I go for help if I am being abused by my spouse?

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**Willow Place 24-hour crisis line:  
204-615-0311 or 1-877-977-0007**

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*Willow Place* is an emergency short-term shelter for women and their children who are victims of abusive relationships. They offer individual and group counselling and can refer you to community resources. Willow Place also provides a 24-hour crisis line to call if you are in trouble.

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**Evolve (Klinic): 204-784-4208**

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*Evolve (Klinic)* offers counselling to women who have experienced abuse, men who have been abusive towards their partner, and children who have witnessed abuse in the home.

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**Ikwe-widdjiitiwin:  
1-800-362-3344 or 204-987-2780**

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*Ikwe-widdjiitiwin* offers emergency shelters to women and their children who are victims of family violence. They also operate a 24-hour provincial telephone crisis line offering counselling, information, referral, and emotional support.



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**The Women's Advocacy Program:  
Winnipeg 1-204-945-6851;  
Toll-free province-wide Domestic Abuse  
Crisis Line: 1-877-977-0007**

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*The Women's Advocacy Program* offers basic legal information on charges, rights, and protection to women whose partners have been charged with assault against them.

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**Women in Second Stage Housing:  
204-275-2600**

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*Women in Second Stage Housing* provides a living program for women and their families who have left abusive relationships.

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## **MARRIAGE BREAKDOWN**

### **What if my spouse and I can no longer live together?**

There are family counselling services available for couples who wish to continue their marriage.

### **How do I end my marriage?**

A marriage legally ends when a divorce is given by a family court judge.

### **What is a separation?**

A separation occurs when two people who are married live separate and apart from each other. Both parties may agree to a separation, but a separation only requires one party to decide not to live together.

### **What is a divorce?**

A divorce is the legal process of ending a marriage. The court will grant a divorce if there is proof that there has been a breakdown of the marriage. Issues such as custody of children, financial support and the dividing of property generally must be settled before a divorce will be granted.

### **How do I get a divorce?**

One or both of the spouses must apply to a court for a divorce.

The court will only grant a divorce if there is evidence that there has been a breakdown of the marriage. A breakdown of marriage is proved if:

- one spouse has cheated sexually on the other spouse;
- one spouse has emotionally or physically abused the other spouse; or
- the spouses have lived separate and apart for at least one year.

### **Can I get money from my spouse after we separate or divorce?**

Maybe. If one spouse is financially dependent on the other spouse, the other spouse may have to contribute financially, even after separation or divorce.

### **Does my spouse have to share all property equally with me?**

Both parties should walk away from the marriage with half of the family assets.

Most assets and debts acquired during marriage will be considered shareable



property in the division of family property. In general, gifts and inheritances made to one spouse alone and kept separate from the other spouse do not have to be shared with the other spouse. Assets acquired before marriage are not shareable but any increase in value is shareable.

### **What happens to my children if my marriage ends?**

Both parents have a right to apply to the court for custody of or access to the children.

Both parents must financially support their children until the children turn 18, regardless of whether they have custody or not. Support is paid even after the child turns 18 if the child remains financially dependent, for example by continuing in school full time. Parents have the right to apply to court for child support from the other parent.

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**Family Conciliation services:**  
**Winnipeg: 204-945-7236,**  
**Brandon: 204- 726-6336**  
**or 1-800-230-1885**

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Many parents try to resolve custody and access issues by agreement. To help parents deal with the issue, *Family Conciliation Services* offers mediation services and a parent education course called “For the Sake of the Children”. Other options are private mediation, negotiation, and the collaborative family law process.

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## **CHILDREN**

### **If my parents divorce, do I get to choose who I live with?**

The law assumes that parents are able to make decisions in the best interests of their children. If your parents cannot agree on what would be best for you, the court will decide with whom you will live.

### **Can I testify in court about who I want to live with?**

In Manitoba, a judge will typically not interview the child, as the court does not want children to have the responsibility of choosing between their parents. In a custody dispute, it is the responsibility of the judge to determine what is in the best interests of the child, however, the views of the children are carefully considered. Unless there are safety concerns, the court and the parents usually weigh the wishes of teenage children heavily.

The court usually hears about the wishes of the child through a report prepared by a social worker at Family Conciliation Services. Sometimes a private psychologist or social worker will be asked to meet with you to help them create a report.



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## LGTBQ COUPLES

### Can I go out with someone of the same sex?

Yes. Gay and lesbian relationships are not against the law.

### How old do I have to be to have sex with a same-sex partner?

The same rules apply as with heterosexual couples, such as:

It is illegal to have sex with or touch someone sexually who does not consent or agree to this activity, regardless of the age of the people involved.

It is illegal to have sex with or sexually touch someone under the age of 12, whether they agree to it or not.

Someone age 12 and over, but under 14, can only consent to sex or sexual touching with a partner who is less than two years older than him or her.

If you are in a position of trust or authority, it is illegal to have sex with or sexually touch someone who is under 18.

### Can I live with my same-sex partner?

Yes, same-sex couples may live together.

### What are same-sex couples' rights?

Same-sex couples have the same rights and obligations as heterosexual couples.

### Can I marry my same-sex partner?

Yes. In September 2004, Manitoba became the fifth province in Canada to legalize same-sex marriage.

### How can I find out more about same-sex relationships?

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**Rainbow Resource Centre: toll-free  
1-888-399-0005 or 204-284-5208  
Monday to Friday 7:30 p.m. - 10:00 p.m.**

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*The Rainbow Resource Centre* offers information and referrals on all aspects of same-sex relationships. This service also offers telephone information and peer counselling.



# CHAPTER 6 ADOPTION

## PLACING A CHILD FOR ADOPTION

### What is adoption?

Adoption is a legal process where the rights of a parent regarding his or her child are transferred to another person or persons. When you place a child for adoption, you give up all of your rights and responsibilities to that child.

### Who can adopt?

To adopt in Manitoba, you must be over 18 years old.

Both heterosexual and homosexual couples, as well as single people, can adopt.

A person can apply to adopt their common law partner's child or their spouse's child.

Two people that are not married or common law can apply for de facto adoption if they have cared for and financially supported a child for two continuous years.

### How do I place my child for adoption?

**Winnipeg Child and Family Services**  
toll-free 1-888-834-9767  
or 204-944-4360

Through **Child and Family Services Agency** - You can transfer your parental rights regarding your child to Child and Family Services, which will try to find someone to adopt your child. You may or may not know who your child is being placed with.

Through a **licenced adoption agency** - You may work with a licenced adoption agency to choose a parent or parents for your child. You may also be able to make contact or visitation arrangements with the family after the adoption is granted.

Through a **direct placement** - If you know someone whom you would like to adopt your child, that may be possible. Contact a lawyer for your options in this instance.

**Adoption Options Manitoba:**  
**204-774-0511**

*Adoption Options Manitoba* is a licenced adoption agency in Winnipeg and you can contact them for advice about what to do if you are pregnant and want more information about exploring your options.

### How soon after birth can I place my child for adoption?

You cannot be asked to sign consent to the adoption until at least 48 hours have passed since the birth of your child. You then have 21 days to change your mind about the placement. If you change your mind within 21 days, the child must be returned to your care unless the adoption agency believes that the child would be in danger if that were to happen.

### Does the birth father have to agree to the adoption?

If you do not know who the biological father of your child is, you are not required to place a



father's name on the birth certificate and his consent to the adoption is not required.

If the birth father is known, you must obtain his consent to the adoption. The court may be able to do away with the consent requirement if it can be proven that the father has abandoned the child or if the birth father's whereabouts are unknown.

Even if the birth father is not named on the birth certificate, the law requires that he be given written notice of the adoption plan and he has a right to file an objection.

### **Can I get money for placing my child for adoption?**

No. It is illegal to accept money or a gift for the adoption of a child or to agree to accept money or a gift at a future date after the adoption order is granted.

### **What if I change my mind about placing my child?**

You have 21 days to withdraw your consent for the adoption. You must give this notice in writing to the Director of Child and Family Services. If this is done, the child must be returned immediately to you even if legal proceedings have already begun.

If you transfer guardianship to a Child and Family Services agency for adoption on a voluntary basis, you may change your mind up to one year after the surrender date or until the child is placed in a home for adoption. Most healthy newborns are placed with a home for adoption immediately after the revocation of consent period ends.

### **Can I see my child after he or she has been adopted by other parents?**

Agreements can be made between the birth parents and the adoptive parents that allow for contact between the birth parents and the child. These are called Openness Agreements and can also include contact with members of the birth family. Access is sometimes granted by court order.

### **How do I cope with placing my child for adoption?**

Whether you choose to parent or place your child for adoption, you will face a loss. If you parent, you face the loss of your immediate planned future. If you place your child, you face the loss of your baby. Grief counselling is critical to help you explore these losses. Both pre-placement and post-placement counselling should be an important part of any adoption plan.

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## **FINDING YOUR BIRTH PARENTS**

### **I was placed for adoption when I was a baby. How can I find out information about my birth parents?**

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**Manitoba Post-Adoption Registry:  
204-945-6964**

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You may request information about your birth parents from the *Manitoba Post-Adoption Registry* if you are over 18.

If you are under 18, your adoptive parents may request information about your birth parents from the registry on your behalf.



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**Parent Finders National Office:  
(located in B.C.) 1-604-948-1069**

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The *Parent Finders National Office* helps to reunite adopted children, birth parents, siblings and grandparents.

The Post-Adoption Registry also helps contact birth parents and adopted children and siblings. There is a fee for this service.

First Nations people who were adopted as children and birthparents may have access to additional post-adoption registries. *LINKS* Post-Adoption Support has more information on their website at <http://members.shaw.ca/linksadoptionssupport/firstnations.html>

**Can the Post-Adoption Registry tell me who my parents are?**

If your birth parents have told the registry not to give any information out about them, the registry will not release this information.

If your birth parents have not banned the registry from giving out information about

them, the registry may be able to give you information about birth names, medical history, other members of your birth family and place of birth.

**Will the Post-Adoption Registry find my parents for me?**

If your birth parents have already informed the registry that they do not wish to be contacted, the registry will not give you any information to help locate them.

If your birth parents have not banned the registry from contacting them, the registry will attempt to contact your birth parents to find out their wishes.

**What if I don't want my birth parents to find me?**

You have the same rights as birth parents with regard to information and contact. If you do not wish to be contacted, you should inform the registry that they may not give out any information which could identify you.



# CHAPTER 7 CHILD PROTECTION

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## PARENTS

### Do my parents have to take care of me?

Your parents or guardian have a legal duty to provide you with food, shelter, clothing, and schooling. If your parents or guardian fail to provide you with these things, Child and Family Services may step in to arrange for your well-being.

### Can my parents hit me?

Your parents or guardian may use physical force to discipline you, but this force must not be excessive. Any use of excessive force by a parent or guardian on a child is a criminal offence and the parents or guardian can be charged. If you have any concerns about physical force being used to discipline you, contact police or your school's social worker.

### Can my parents put me into a group home?

Your parents can temporarily hand you over to Child and Family Services, which will place you in either a group home or a foster home for up to one year.

If your parents are ill and can no longer take care of you, they may place you with a child care agency. Child and Family Services will take care of your needs by placing you in either a group home or a foster home until your parents are well enough to take you home.

### How long do I have to live in a group home?

You may stay in the group home until you turn 18 years old, or until your parents wish to end this arrangement.

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## CHILD IN NEED OF PROTECTION

### When is a child in need of protection?

A child is in need of protection if his or her life, health, or emotional safety is at risk. This includes if:

- the child is lacking adequate care, supervision, or control;
- the child is being physically, sexually, or emotionally abused;
- the parent or guardian does not provide proper medical attention;
- the child is beyond the control of the parent or guardian; or if
- the child is under 12 years of age and is left unattended without reasonable provisions having been made for his/her supervision and safety.



## How will someone know if I, or another child, am in need of protection?

**Winnipeg Child and Family Services:**  
toll-free 1-888-834-9767  
or 204-944-4200

**Winnipeg Police Service: 986-6222,**  
or in an emergency: 911

You may report any abuse or neglect to *Child and Family Services, your school social worker or a teacher*, or to the *Winnipeg Police Service*. Outside Winnipeg, call your local RCMP.

You may tell an adult friend, family member, teacher, or someone else you trust about the abuse or neglect and they can make a complaint on your behalf.

*Child and Family Services* may also investigate situations which they suspect are neglectful or abusive without any complaints being reported.

If you tell your doctor, teacher, or counsellor that you are being abused, he or she must report this abuse to police.

## Is there any help for me if I have been abused?

Child and Family Services can offer support and referrals to various programs if you have been a victim of child abuse.

*If you are Aboriginal, consult an Aboriginal Child and Family Service Agency listed in the Resources section for support.*

## Is it only my parents that I can be protected from?

No. If your teacher, doctor, parent, friend of the family, neighbour, babysitter, or anyone else you know harms you in any way, you may be in need of protection from them.

## What happens if a child-care agency suspects abuse or neglect of a child?

When a Child and Family Services Agency suspects abuse or neglect of a child, they will investigate the situation and decide whether or not to take the case to court. The judge will hear all evidence from the parents, the Agency, and possibly from the child and then determine whether or not the child is in need of protection.

During the investigation of more serious abuse, the child may be temporarily removed from the home and placed with extended family, in a group home, or in a foster home.

If the Agency believes the child is in immediate danger, the Agency or the police may take the child to a place of safety where he or she can be examined and cared for temporarily.

## How long will I have to stay away from home if I am removed?

You may have to stay away from home until your case goes to court to decide whether you are a child in need of protection.

## Can my parents still see me if I am taken out of my home?

Your parents may be allowed to visit you; however, you will not have contact with your parents if a judge thinks that visits from them would not be in your best interest.



## Am I allowed to give my opinion?

Children involved in Child and Family Services cases can ask to have their voices heard through the *Children's Advocate*. They can be contacted at 1-800-263-7146.

## What happens to me if the judge finds I am not in need of protection?

If the judge finds that you are not a child in need of protection, you are sent home immediately following the trial.

## What happens to me if the judge finds that I am in need of protection?

If the judge finds that you are a child in need of protection, he or she will decide what plan for your care is best for you.

If the problem is not too serious, the judge may send you back home and have Agency workers come into the home to work with your family to resolve the problem. If you are still not cared for properly after this, the Agency may take you again.

If the problem is more serious, the judge may send you to a group home, a foster home, or the home of a relative for a period of time. During this time, your parents may be able to see you. After the time period has ended, the case will be reviewed again to decide if it is in your best interests to send you back home.

If the problem is very serious, the judge may take you away from your parents permanently and the child care agency would be responsible for you. You will then be sent to live in a group home, a foster home, or the home of a relative. You may be placed for adoption if you are not expected to be able to return to your parents.

## RIGHTS OF CHILDREN IN CARE

### What rights do I have if I am under agency care?

If you are being cared for by an Agency, you have the right to be informed and involved in decisions which affect your life. This includes knowing the name and phone number of your social worker.

You have the right to know and maintain connections with your cultural, religious, and family background.

You have the right to be given the support services and counselling that is needed to help you.

If you are over the age of 12, you have the right to attend court hearings that involve you and have your own lawyer represent you to make sure that your wants and needs are heard.

### Can I still see my parents if I am under permanent agency care?

Even if you are in permanent care of an Agency, you may still have the right to see your parents or extended family.

### What if I am not happy with how the agency is caring for me?

**Office of the Children's Advocate:**  
**204-945-1364 or 1-800-263-7146**

**Voices - Manitoba's Youth in Care:**  
**204-982-4956 or 1-866-982-4956**  
**online: [www.voices.mb.ca](http://www.voices.mb.ca)**



If you are unhappy with how the Agency is caring for you, you may make a complaint to the *Office of the Children's Advocate*.

You may also contact *Voices - Manitoba's Youth in Care* for support with your problem.

### **What is the Children's Advocate?**

The Children's Advocate is a person who looks out for the rights, interests, and viewpoints of children under Agency care. The advocate may review and investigate complaints made about a child's care and may make recommendations for change. The advocate may also speak on behalf of the child to express the child's viewpoint.

### **How do I make a complaint to the Children's Advocate?**

You may phone the Office of Children's Advocate yourself or get a family member, friend, foster parent, teacher, social worker, or anyone else you trust to call for you.

If you tell your Agency caregiver that you wish to speak with the Children's Advocate, she or he must arrange for this private meeting immediately.

You may write a letter to the Children's Advocate, which your Agency caregiver must forward, unopened.

### **What can the Children's Advocate do for me?**

The Children's Advocate will listen to you and provide you with information. He or she will assist you in making decisions that affect your life and discuss any problems or concerns you may have with the care plan. The Advocate may make suggestions on your behalf to the Agency and help you say what you want to say.

### **What can the Children's Advocate not do?**

The Children's Advocate cannot provide protection services or act as your lawyer. He or she cannot make a decision about you or intervene in private legal matters.

### **Can the Children's Advocate tell other people that I called?**

No. Your request for services is private and confidential.



# CHAPTER 8 HEALTH AND SEX

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## MEDICAL CARE

### How much does it cost to go to the doctor?

It is free to go to the doctor if you have lived in Manitoba for at least six months of the year.

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**Manitoba Health Insured Benefits Branch:  
1-800-392-1207 or 204-786-7101;  
TTY/TDD: 1-204-774-8618;  
outside Winnipeg, call the Manitoba  
Relay Service at 711 or 1-800-432-4444  
to reach the above number.**

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In order to receive free medical care, you must present your Manitoba Health Card each time you go to the doctor or the hospital. If you still live with your parents, you will be listed on their health card and they must show this card to the doctor. Once you turn 18, or if you move away from home, you should apply for your own health card. For more information on the Manitoba Health Card, contact Manitoba Health Insured Benefits Branch.

### Do I get to choose which doctor I see?

Yes, you may go to any doctor you choose and you will not have to pay. Some doctors may not be accepting new patients and specialist doctors may require a referral from a family doctor.

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## DOCTORS

### Can I see my doctor without my parents in the room?

All doctors are different. Some doctors will see patients alone at 12 years of age, while other doctors prefer the parents in the room until the child turns 16.

### Can my doctor tell my parents what happens in a private examination?

Once your doctor agrees to treat you alone, he or she cannot tell your parents anything about the examination without your permission. Again, all doctors are different, so you may want to double check with your doctor first, if this is a concern.

### What if I need treatment or an operation?

Your doctor must tell you about all the risks of having a certain treatment or operation so that you may make an informed decision. The doctor must also tell you about the risks and concerns of not having the treatment or operation.

If your doctor feels that you understand the treatment or operation suggested, you may not need your parents' permission to have this medical procedure, regardless of your age. In some cases, a court may need to decide this.

If your doctor feels that you understand the treatment or operation suggested, you might be allowed to refuse the medical procedure without the permission of your parents, regardless of your age. In some cases, a court may need to decide this.



## What if my doctor won't treat me alone?

If your doctor won't treat you alone, you may try another doctor until you find one that will.

You may go to a community health clinic. The clinic does not ask for your Manitoba Health Card and will treat you without your parents' consent. Anything said during an examination will not be repeated to your parents.

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## COMMUNITY HEALTH CLINICS

### What does a community health clinic do?

Community health clinics provide confidential medical care, counselling, and educational services.

### How much does it cost to go to a community health clinic?

All community health services are free of charge even without your Manitoba Health Card.

### How old do I have to be to go to a community health clinic?

Community health clinics are open to all people, of any age. There are special teen clinics designed for people under 18.

### Can I go to a teen clinic without my parents' consent?

A teen clinic will treat anyone, regardless of age, without their parents' consent. You do not need to show your Manitoba Health Card or even give your real name. Everything discussed is completely private and will not be repeated to your parents.

## What services does a teen clinic provide?

A teen clinic provides medical examinations by doctors and nurses.

A teen clinic provides free or low-cost birth control pills and condoms to those who cannot afford them.

A teen clinic provides confidential testing for pregnancy, sexually transmitted diseases, and AIDS. Any results are completely private and will not be repeated to your parents.

### How do I find a teen clinic?

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**Teen Klinik: 204-784-4090**  
**Walk-in: 870 Portage Ave.**

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*Teen Klinik*, is a clinic which you can go to without an appointment, from 4:30 p.m. to 8:00 p.m. on Mondays.

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**Women's Health Clinic: 204-947-1517**

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The *Women's Health Clinic* also offers teen services by appointment. They also accept patients without an appointment on Thursday evenings from 4:00 p.m. to 9:00 p.m.

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**Facts of Life Line:**  
**1-800-432-1957 or 204-947-9222**

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You can also contact the *Facts of Life Line*, which can refer you to a clinic that can help you. This is a private phone service offering advice about clinics, dating, and pregnancy, and information about birth control and sexually transmitted diseases. The phone lines are open Monday to Friday, from noon to 10:00 p.m.



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**Mount Carmel Clinic: 204-582-2311**

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*Mount Carmel Clinic* also offers a Teen Clinic on Saturdays.

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**Teen Talk: 204-784-4010  
or [www.klinik.mb.ca/teentalk.htm](http://www.klinik.mb.ca/teentalk.htm)**

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*Teen Talk* offers workshops on many topics relating to youth sexuality and pregnancy and provides peer support for teens.

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**Rainbow Resource Centre:  
toll-free 1-888-399-0005 or  
the information line at 204-284-5208**

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*Rainbow Resource Centre* offers support, information, counselling, public education, and referrals on gay, lesbian, bisexual, and transgender issues.

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## PREGNANCY

### Where can I go for help if I am pregnant?

If you are pregnant, a clinic or your doctor can help you decide what to do and direct you to counselling for teen mothers and fathers. If you decide to tell your parents, a teen clinic could offer counselling to help them deal with the situation as well.

If you are considering an abortion, it is important to know that not all resource centres have unbiased views on abortion. You may want to ensure that the people that you are speaking to are prepared to provide information on all of your choices.

If you decide to keep the child, a teen clinic will help counsel you through this decision and offer parenting advice and counselling. The Mount Carmel Clinic offers weekly baby clinic, prenatal classes, and practical parenting courses. Mount Carmel also offers a student support program for young parents from 15 to 22 years old who wish to remain in school or return to school.

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**New Directions for Children, Youth, Adults and Families: 204-786-7051**

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*New Directions for Children, Youth, Adults and Families* offers resources to single parents aged 16 and 17 to help them become self-sufficient. These include life skills training, work experience, and financial and counselling supports.

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**Youville Centre: 204-225-4840**

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The *Youville Centre* offers parenting and prenatal classes specifically focused on people under 25 years of age.

If you decide that you wish to place your child for adoption, a teen clinic will help guide you through this process with counselling and give you information about which adoption agencies are best for you.

If you decide that an abortion is the best option for you, a teen clinic can refer you to a doctor for this procedure.

### Is abortion legal in Manitoba?

Yes, abortion is legal in Manitoba.



## Where can I get an abortion?

Abortions done in hospitals are covered under Manitoba Health, which means that you don't have to pay a fee. If you are under 16 years old, you need your parents' permission to have an abortion in a hospital, but you may not need parental permission to have an abortion at a clinic.

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### Women's Health Clinic 204-947-1517

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Abortions are provided by the *Women's Health Clinic* in Winnipeg. The wait is usually shorter than in a hospital and there is no fee for the procedure. If you are under 18, you do not need your parents' permission to have an abortion at the Women's Health Clinic as long as you understand the procedure.

You may also find further information on abortion from the Facts of Life Line or the Women's Health Clinic.

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## HEALTH CARE DIRECTIVES

### What is a health care directive?

A health care directive is a piece of paper signed and dated by you that tells doctors what your wishes are regarding treatment. This paper must be followed by the doctor if you are no longer able to communicate or make your own decisions as a result of an accident or illness.

The directive may state your wishes directly or it may appoint someone else, who is over 18, to make any health care decisions for you.

### How old do I have to be to make a health care directive?

You must be 16 years or older to make a health care directive.



# CHAPTER 9 HUMAN RIGHTS AND DISCRIMINATION

## DISCRIMINATION

### What is discrimination?

Discrimination is when you are not given the same opportunity as others or are denied services, accommodation, facility, goods, rights, licences, benefits, programs, or privileges because of personal characteristics. As society changes, so does the list of characteristics we accept without discrimination. They include, but are not limited to:

- race;
- colour;
- nationality;
- ethnic background;
- religion;
- age;
- sex;
- pregnancy;
- gender identity;
- sexual orientation;
- marital or family status;
- source of income;
- political belief, political association, or political activity;
- social disadvantage; and
- physical or mental disability.

### Is discrimination allowed?

No. You are not allowed to be discriminated against if you are looking for a job, on the job, looking for a place to live, going to school, or

entering a public place. Any business that is open to the public may not discriminate based on any of the above characteristics.

### Are there any exceptions to discrimination?

It is not discrimination to deny certain services or goods, such as tobacco, alcohol, and driver's licences or bar entrance, to minors if they are not yet the required age. It is not discrimination that you must be 18 years old to vote.

If it is not possible to accommodate the needs of a person with a mental or physical disability without undue hardship, and they are unable to do the necessary parts of a certain job, an employer does not have to hire that person.

It is not discrimination to accommodate the needs of a person with one of the stated personal characteristics.

### What if I have been discriminated against?

**Manitoba Human Rights Commission:**  
**204-943-3007 or 1-888-884-8681;**  
**TTY: 204-945-3442**

**Canadian Human Rights Commission:**  
**1-800-999-6899 or**  
**204-983-2189; TTY: 1-888-643-3304**

If you feel that you have been discriminated against, you may file a complaint with either the *Manitoba Human Rights*



*Commission* (within one year) or the *Canadian Human Rights Commission* (within one year). Exceptions to these time limits may be made on an individual case basis.

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**Manitoba Association for Rights and Liberties: 204-947-0213**

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If you have any questions about discrimination you can contact the *Manitoba Association for Rights and Liberties*. They will provide you with information, answer questions, and give referrals to appropriate agencies that can help you with your problem.

### **What can the Manitoba and Canadian Human Rights Commissions do for me?**

As soon as a complaint has been filed, the Commission will look into the situation and decide how to proceed on the matter. The Manitoba and Canadian Human Rights Commissions may:

- try to get the parties to attend a mediation session and work with them to come to an agreeable solution;
- investigate the complaint;
- dismiss the complaint if there is not enough evidence to support the complaint; or
- recommend that the complaint be heard by a Human Rights Tribunal or a Board of Adjudication.

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## **SEXUAL HARASSMENT**

### **What is sexual harassment?**

Sexual harassment is unwelcome, inappropriate behaviour in regards to a person's sex.

Sexual harassment can happen where you work, go to school, or when you are dealing with someone at a store, business, or government office.

Sexual harassment can include someone making unwanted sexual advances to you, asking you for sexual favours, threatening you if you say "no" to the requests, making jokes or comments of a sexual nature, or unnecessary physical contact like touching, pinching, or patting. Sometimes sexual harassment is also sexual assault.

### **Is sexual harassment allowed?**

Sexual harassment is not allowed in the workplace, a business, or in a school setting. An employer or teacher may not request sexual favours from you in return for job stability, promotion, or good grades.

### **What if I have been sexually harassed?**

If you have been sexually harassed at work or school, you may file a complaint with either the Manitoba Human Rights Commission (within one year) or the Canadian Human Rights Commission (within one year). Exceptions to these time limits may be made on an individual case basis. If you have been sexually assaulted, you may also wish to report the incident to the police.



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## **Manitoba Justice Victim/Witness Assistance Program: 204-945-3594**

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If charges are laid, you can contact the *Manitoba Justice Victim/Witness Assistance Program*. They will guide you through the court process, help prepare you for anything that you will have to do, such as give testimony, and give moral support.

### **What can the Manitoba or Canadian Human Rights Commissions do for me?**

As soon as a complaint has been filed, the commission will look into the situation and decide how to proceed on the matter. The Manitoba and Canadian Human Rights Commissions may do one of the following:

- try to get the parties to attend a mediation session and work with them to come to an agreed upon solution;
- investigate the complaint;
- dismiss the complaint if there is not enough evidence to support it; or
- recommend that the complaint be heard by a Human Rights Tribunal or a Board of Adjudication.

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## **THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

### **What is the Canadian Charter of Rights and Freedoms?**

The Charter is part of Canada's Constitution, our supreme law. Any law made in Canada or Manitoba must comply with the Charter. The Charter states that individuals have certain rights and freedoms and, therefore, no other

laws made may take away or limit these rights and freedoms unless those limits can be justified in a free and democratic society.

The Charter only protects you from other laws and government action, though, not from other people. People may violate your Charter rights, but government-made laws, policies, and actions may not.

### **What are my rights and freedoms under the Charter?**

Under the Charter, you are guaranteed a number of basic rights including the freedom of:

- religion;
- thought, belief, opinion, and expression, including freedom of the press; and
- freedom to associate with whomever you want.

Under the Charter, you have a right:

- not to be unreasonably arrested or imprisoned.

Under the Charter, if you are arrested or detained, you have the right:

- to be told the reasons for the detention or arrest;
- to get a lawyer without delay and to be told of this right;
- to a speedy trial;
- to be presumed innocent until proven guilty by a court; and
- not to be tried and punished twice for the same offence.



Under the Charter, if you are found guilty of an offence, you have the right:

- not to be given any cruel or unusual punishment.

Under the Charter, you are also protected from laws which discriminate based on such things as:

- race;
- national or ethnic origin;
- colour;
- religion;
- sex;
- age; or
- mental or physical disability.

## Who ensures that the Charter works for the people's rights?

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### Women's Legal Education and Action Fund (LEAF): 204-453-1379

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*The Women's Legal Education and Action Fund (LEAF)* is a national organization which promotes equality for women through legal action and public education. LEAF challenges discrimination against women, using equality guarantees in the Charter.

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### Public Interest Law Centre: 204-985-8540

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The *Public Interest Law Centre* is funded by Legal Aid Manitoba and is a unique service in Canada, taking on test cases for public interest groups and low-income individuals. It focuses on consumer, poverty, environmental, Aboriginal, and Charter challenges.



# CHAPTER 10 ABORIGINAL PEOPLES

## Who are Aboriginal peoples in Canada?

Aboriginal peoples are the descendants of the original inhabitants of North America. The Canadian Constitution recognizes three groups of Aboriginal people: Indians; Metis; and Inuit. These are three separate peoples with multiple unique heritages, languages, cultural practices, and spiritual beliefs. In this handbook, the term “Indian” is the legal term used in official government documents and will only be used in reference to those documents.

## Do I have the same rights as everyone else?

If you are an Aboriginal person, you have the same right as everyone else to live and work wherever you want. If you reside off a reserve, you may also choose what public school you would like to attend.

## Do I have any Aboriginal rights?

Aboriginal people have a number of rights in addition to other civil rights, based upon their original occupation of the land by their ancestors. These rights vary based on Aboriginal identity and geographic location.

For example, most First Nations people residing in the prairie provinces are the descendants of First Nations people who entered into treaties. These treaties provide that First Nations people may hunt and fish on unoccupied Crown lands to harvest food for themselves and their families.

Some of these Aboriginal rights still require further clarification from the courts.

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### Treaty and Aboriginal Rights Research Centre of Manitoba: 204-943-6456

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For more information about Aboriginal rights, you can contact the *Treaty and Aboriginal Rights Research Centre of Manitoba*. This centre provides historical research services to the 56 First Nations Bands in Manitoba.

## Can I go to any school I want?

Aboriginal children residing off-reserve have the same right to choose whichever school their parents wish, whether it is in their school division or not.

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### Children of the Earth High School: 204-589-6383

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Some schools teach Aboriginal languages and have a strong Aboriginal culture base in their classrooms. One such school is the *Children of the Earth High School* in Winnipeg.

There is also an Aboriginal-controlled university college in Saskatchewan called First Nations University of Canada (306-790-5950), whose faculty is led by Aboriginal professors. Programs of study include Aboriginal art, languages, teacher education, social work, management, communications, business, science, and engineering. Elders conduct pipe ceremonies every morning and meet the students individually to help them learn about their heritage.



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## ABORIGINAL YOUTH

Are there any special programs designed for Aboriginal youth?

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**Andrews Street Family Centre:**  
**204-589-1721, [www.asfc.mb.ca](http://www.asfc.mb.ca)**

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Yes, the *Andrews Street Family Centre* is designed for people aged 6 to 17. It offers Aboriginal arts and crafts, swimming, floor hockey, dances, pool tournaments, movie nights and other activities for youth.

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**Rossbrook House: 204-949-4090,**  
**[www.rossbrookhouse.ca](http://www.rossbrookhouse.ca)**

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*Rossbrook House* is a drop-in centre designed to keep young people off the streets. It offers recreational facilities and three outreach programs. It is staffed largely by members of the local Aboriginal community.

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**Ndinawemaaganag Endaawaad:**  
**204-586-2588**

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*Ndinawemaaganag Endaawaad* offers a safe home for Aboriginal youth who are or who have been living on the street.

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**Nine Circles Community Health Centre:**  
**1-888-305-8647 or 204-940-6000; online**  
**at: [www.ninecircles.ca](http://www.ninecircles.ca). See also, Canada**  
**Aboriginal AIDS Network at [www.caan.ca](http://www.caan.ca)**

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*Nine Circles Community Health Centre* provides culture-based HIV/AIDS programs.

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**The Aboriginal Health and Wellness Centre:**  
**204-925-3700, or online at:**  
**[www.abcentre.org/serv8.html](http://www.abcentre.org/serv8.html)**

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*The Aboriginal Health and Wellness Centre* is a community-based health and wellness resource centre committed to serving the Aboriginal community of Winnipeg. They have a number of programs including the Aboriginal Head Start program for Aboriginal children three and four years old.

Also check out these online resources:

- The Aboriginal Youth Network (call 1-800-459-1884) is a place to connect with other Aboriginal youth across Canada and get info on health, employment, education, and the latest news across the country.
- Manitoba Association of Friendship Centres ([www.mac.mb.ca/links](http://www.mac.mb.ca/links)) provides links to all the Friendship Centres in Manitoba as well as other programs and activities.

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## ABORIGINAL JUSTICE

**Are there any justice services for Aboriginal peoples?**

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**Onashowewin: 204-336-3600, or online**  
**at: [www.onashowewin.com](http://www.onashowewin.com)**

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**“Extrajudicial” means something that is outside of the normal justice system. An extrajudicial measure or sanction is a consequence or deterrence program that does not involve you going to court or to jail.**

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Onashowewin offers a Restorative Justice Program for Aboriginal people of Winnipeg. They offer programs for *extrajudicial measures* or *sanctions*, which give you options outside of the court system. You must still go through the regular court process to have your innocence or guilt decided.

Not all crimes can be transferred to Onashowewin. Generally, you must be referred by the Crown Attorney.

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**Community Justice Coordinator:  
204-945-1307**

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For more information on similar programs in Manitoba offering extrajudicial measures or sanctions, contact the *Community Justice Coordinator*.

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**The Aboriginal Law Centre: 204-985-5230**

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*The Aboriginal Law Centre*, a branch office of Legal Aid, works with Onashowewin in making referrals, providing advocacy, and other justice activities.

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**The Aboriginal Court Worker Program:  
204-945-0024**

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*The Aboriginal Court Worker Program* is a service offered to Aboriginal people who are charged criminally. A court worker acts as a go-between with the police, assists you in finding legal counsel, helps obtain legal aid, advises you of alternative courses of action open to you, and maintains contacts with reserves and with Indian and Metis organizations.

*For more information, see Chapter 13: You and Crime*

**What can the Onashowewin Services do for me?**

If you are an Aboriginal person who has been charged with an offence, you may ask the Crown Attorney at your first court appearance if he or she will agree to have your case resolved through the Onashowewin Services. The approach of Onashowewin is to try and address underlying issues that have led to criminal behaviors and to make offenders accountable for their actions. The offenders may participate in an in-house program, or may be referred to other community programs, services, or assessments. The objective of Onashowewin is to help restore, heal, and transform relationships and the community.

Onashowewin offers victim-offender mediation, peacemaking circle, community justice forums, conciliation, and programs for offenders. Some examples of what Onashowewin has had youth do in the past include writing a letter of apology to the victim, participating in sweat lodges, and participating in healing/sentencing circles.

Onashowewin also has a list of community Elders that clients may request to be referred to.

**What kind of extrajudicial measures could I get?**

This healing method of determining consequences for your actions could include:

- repayment for damages;
- community services and cultural teaching;
- alcohol and drug treatment;



- counselling programs;
- wilderness camps; or
- other programs to help the offender repay the victim and the community.

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## STATUS INDIANS

### Who is a Status Indian?

The *Indian Act* is the Canadian federal law, first passed in 1876, that sets out certain federal government obligations, and regulates the management of Indian reserve lands.

A Status Indian (sometimes called a Treaty Indian) is a First Nations person who is registered under the *Indian Act*, or is entitled to be registered under the *Act*.

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**Indian and Northern Affairs Canada:  
983-2842 or 983-4928**

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If your parent or ancestor lost their status, or if you believe you may be entitled to status, you can receive information and an application form for registration from the *Indian and Northern Affairs* office in your region.

### What rights do Status Indians have?

Status Indians have the right to live on their home reserve, subject to the band's membership code and the availability of housing on the specific reserve. You may also apply to transfer your band membership to a different band.

Status Indians living on reserve lands do not pay municipal property taxes. However, bands may assess lot rentals or other taxes for benefit of their communities.

### Do I have to live on a reserve if I am a Status Indian?

No. If you are registered as a Status Indian, you may apply to live on your reserve or to transfer your membership to a different band, but you may always live anywhere else you wish.

### What laws apply on reserves?

Status Indians on reserves are bound by the same general laws as other citizens. In addition, each reserve may make their own by-laws, within certain categories, which govern only the residents of the reserve.

Some of these by-laws may include regulation of health, traffic, housing, and use of alcohol.

### Do I have to go to school if I live on a reserve?

Yes. If you are a Status Indian child between the ages of 7 and 16, you must attend school.

### Additional Resources:

If you live in Winnipeg, contact the Aboriginal Council of Winnipeg at: [www.abcouncilofwinnipeg.net](http://www.abcouncilofwinnipeg.net). This council is a union between The Urban Indian Association and the Winnipeg Council of Treaty and Status Indians. Its goal is to act as a representative for Aboriginal community in Winnipeg.

The Manitoba Association of Friendship Centres can provide information on Friendship Centres across Manitoba. Friendship Centres provide a focus for activities and services of interest or aid to Aboriginal people.



# CHAPTER 11 YOU AND CRIME

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## CRIMES

### What is a crime?

A crime is something that the laws say you can't do. In Canada, the Criminal Code is the major law that sets out what are considered crimes. The Criminal Code also sets out the penalties for committing different crimes. Examples of crimes include theft and assault. Penalties for crimes committed by youth are set out by the Youth Criminal Justice Act.

There are also offences that are created in the laws that each province passes. Speeding, as defined under Manitoba's Highway Traffic Act, is an example of a provincial offence.

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## THE YOUTH CRIMINAL JUSTICE ACT

### What is the Youth Criminal Justice Act?

The Youth Criminal Justice Act (YCJA) is the act that replaces the old Young Offenders Act. The purpose of the new Act is to prevent youth crime, to rehabilitate youth who commit offences and help them reintegrate into society, and to ensure meaningful consequences for offences. The focus is on the young person taking responsibility for the crime.

The YCJA allows the courts to treat young people differently than adults. So even if you commit the same crime as an adult, you won't be treated the same as an adult by the courts.

If you commit a crime, you will either be dealt with through programs outside of the court system or you will be tried in a youth justice court.

### How old do I have to be to be treated as a young person under the Youth Criminal Justice Act?

The YCJA applies to you if you are charged with a crime you committed when you were 12 years old or older, but younger than 18. The act may still apply to you if you are over 18 now, but you committed the crime while you were still under 18.

All persons 12 years old or older, but younger than 18, are tried in a youth justice court. However, if you are over 14 and are found guilty of a very serious offence, the judge can give you an adult sentence if he or she doesn't think a youth sentence is serious enough for what you have done.

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## YOU AND THE POLICE

### What if I am stopped by the police?

The police may stop you for different reasons and your rights are different depending on the situation.

#### 1. Police may stop you to make conversation.

They may use conversation to find a reason to hold you or arrest you.



They may be conducting an investigation and looking for information, or they may be simply being friendly.

You have the right to ask, “Am I free to go?”

If yes, you may leave. If no, you are being detained.

## **2. The police are investigating you.**

In this case, the police must have reasonable grounds to suspect you of being connected to a crime. If you are being detained, you have the right to be told why.

You have the right to ask the officer’s name and badge number in the event that you wish to file a complaint.

If you are detained but not under arrest, or you are not driving and have not broken any laws, you do not need to give the officer your name.

You have the right to remain silent if you do not wish to answer any questions.

The police have the right to search your bag and give you a body pat down to look for weapons while you are being detained. If you are being detained without reasonable grounds, searching you is illegal and you may file a complaint.

## **3. You are being placed under arrest.**

If the police ask you your name and address while you are under arrest, you must tell them.

You have the right to know why you are under arrest.

Officers have the right to search you and your personal property while you are under arrest.

You may be released right away with an appearance notice, which is a paper explaining when and where you are expected to appear in court. You may receive an appearance notice if the officer believes you will show up for court, that you will not break any laws, and that you are who you say you are.

If you are arrested and taken to jail, you have the right to be seen by a judge or justice of the peace within 24 hours of your arrest.

Do not resist arrest. Physically cooperate with the police or you may face more charges.

The police may use force to ensure safety and your arrest but may not use excessive force. If you feel you have experienced excessive force, you may file a complaint or a lawsuit. If you have sustained injuries while under arrest, such as cuts, bruises, scratches, etc., then see a doctor and take photographs to document your injuries as evidence.

## **What if I am stopped by the police while I am driving?**

If you are stopped by the police while you are driving, you must show your driver’s licence and car registration if they ask for it.

If you are stopped by the police and they ask you to take a test to see if you’ve been



drinking alcohol, you must cooperate. If you fail the roadside test, you will be asked to take a breathalyser test.

If you refuse to take the test, you may have your driver's licence taken away for two years, the minimum in Manitoba. You have a right to have a lawyer present when you take a breathalyser test. Lawyers called "duty counsel" are available 24 hours a day and the police officer has a duty to tell you about this.

### **Can I be searched by police?**

You can be searched if you are under arrest. But just because the police have stopped you does not mean that you are under arrest. A police officer must tell you that you are under arrest and say why he or she has arrested you.

You or your belongings can be searched if the police have a search warrant for that purpose, or if there are reasonable or probable grounds for a search.

You can also be searched if you are placed under investigative detention, which may happen if you resemble the description of a suspect police are looking for.

If you believe that you are being searched illegally or without a good reason, tell the police that you do not agree to the search, and talk to a lawyer as soon as possible. Do not try to stop the police from searching you.

You can be searched without a warrant by customs officers if you are crossing the border.

### **What if I am arrested by the police?**

If you are arrested, you do not have to answer any questions; however, the police cannot release you without knowing your name,

address, and age. It is also important to tell them your age if you are under 18 because you have different rights.

If you are arrested, the police must tell you why you have been arrested. The police must also tell you that you have the right to call a lawyer and your parents and must give you the opportunity to call them.

### **What if I don't want to be arrested?**

You have no choice if the police want to arrest you. If you resist arrest, you can be charged with another criminal offence.

### **Who can I call if I am arrested?**

Any reference to parents also includes your guardian or other appropriate adult.

If you are under 18 and you wish to speak to your parents, guardian or appropriate adult and a lawyer before being questioned, the police must allow you to do this.

If the police cannot find your parents, or your parents are unavailable, they will call an adult relative or another adult who you know and who is available to help you.

You should always speak to a lawyer before you talk to the police or sign anything.

You will also be given a chance to call and get free advice from Legal Aid duty counsel.

You have the right to have your parents and a lawyer present when being questioned by the police. You can insist that the police allow you to do this.



## Can the police call my parents if I am arrested?

If you are under 18, the police must call your parents if you are arrested, whether you want them to or not.

## What happens to me after I am arrested?

If you are arrested, the police may process your arrest where you are stopped or they may take you to a police station.

If they take you to a police station, the police may or may not take your fingerprints and photograph. You must let them do this or you may be charged with an offence.

If you are under 18, the police will phone your parents to let them know where you are and give them the chance to come and talk to you.

You will be given a chance to call and get free legal advice from Legal Aid duty counsel.

Police will want to ask you questions because they have a duty to investigate. However, other than giving your name, address, and age, you do not have to and should not answer any questions before speaking to a lawyer.

## What happens to me once my arrest is processed?

There is a presumption that you will be released to your parents, but depending on what crime you have been charged with and your background, the police may decide that you should be kept in police custody. If you are allowed to go home, you will have to agree to certain conditions, such as agreeing to show up in court.

If the police will not release you, you must remain in police custody.

If this happens, you will be placed separate from any adults in the Manitoba Youth Centre

In most cases, you will be able to apply for release at a bail hearing within 24 hours.

## What if I can't afford a lawyer?

If you want a lawyer and you or your parents cannot afford one, or if your parents refuse to pay for a lawyer, the judge will appoint one for you at your court appearance.

## Will a police officer always arrest me and charge me if I am caught doing something against the law?

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**“Extrajudicial” means something that is outside of the normal justice system. An extrajudicial measure or sanction is a consequence or deterrence program that does not involve you going to court or to jail.**

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Not necessarily. A police officer can arrest and charge you if you've done something criminal, but they do not have to. Police officers can choose extrajudicial measures to deal with the matter without arresting you.

## What are “extrajudicial measures”?

Extrajudicial measures are measures that can be used for a youth (12 years old or older, but under 18) who has allegedly committed a crime. They refer to consequences other than going to court and having a judge decide what happens to you.

There are several different types of extrajudicial measures. Police officers can



choose to take no action against you, warn you, give you a formal caution, or refer you to a community program that can help you to not commit these crimes again. Your case could also be referred to a Crown prosecutor, who could choose to give you a caution without taking your case to court.

Police officers must consider these options first before they charge any young person for a criminal act. These options are an alternative to a formal charge and are meant to give the young person a chance to change their behaviour without going through the normal justice system.

### **What is an “extrajudicial sanction”?**

An extrajudicial sanction is a more formal extrajudicial measure.

An extrajudicial sanction is used when a youth alleged to have committed an offence cannot be dealt with by a warning, caution, or referral because the offence is more serious, or for other reasons.

An extrajudicial sanction can only be used if the youth admits responsibility for the offence and agrees to the sanction. You should speak to your lawyer before agreeing to admit responsibility for an offence.

Charges against you will be withdrawn or dismissed if you have followed the terms of the extrajudicial sanction. The fact that you accepted responsibility for the offence as a condition of the extrajudicial sanction cannot be used against you later as evidence that you are guilty if your matter is referred to court.

### **Are there special options available to Aboriginal youths?**

There are programs designed for Aboriginal youth that emphasize healing through cultural and spiritual teachings.

*See Chapter 10: Aboriginal Peoples for more information regarding Aboriginal People.*

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## **YOU AND THE COURTS**

### **What is a bail hearing?**

A bail hearing takes place in court, in front of a judge. Your lawyer will speak on your behalf and will present evidence to convince the judge to release you from custody. If the judge feels that you will follow certain bail conditions, he or she will release you.

If you are let out on bail, you must follow the conditions agreed to at the hearing until the court has finished with your case. If you do not follow the conditions, you can be arrested and charged with another offence and you may have to remain in custody until the court has finished with your case.

### **Should my parents come to court?**

Your parents should attend your bail hearing for support and to act as the “responsible person” into whose care you would be placed upon release. You will also have a better chance of being released if an adult is there to act as the responsible person.

### **What is a conference?**

Sometimes the judge will order that a conference be held to assist in arranging



a plan for your release before your trial. A conference can also be called by a police officer, the Crown, a provincial director, or a youth worker to assist and provide helpful input to the person making decisions about your case at various steps in the process.

### **What if the judge refuses to let me out on bail?**

If the judge refuses to let you out on bail, you will remain living at the youth centre until your trial or until the court has finished with your case. The judge's decision can be reviewed by a higher court.

### **Do I automatically have to go to trial if I am charged with an offence?**

No. If you plead guilty to the offence by admitting you did the crime, you will be given a punishment and you will not have to go to trial. If you plead not guilty by saying you didn't do it, you will go to trial. You should speak with a lawyer before entering a plea.

*Plead Guilty:* The court asks if you will plead guilty or not guilty to the charge you are facing. Pleading not guilty does not always mean that you are innocent. You may choose to plead guilty because you want your case to go to trial.

Police officers and Crown prosecutors can decide to use extrajudicial measures. This means that instead of going to jail for an offence, you may be referred to a special program designed to help you, or you may be required to participate in an extrajudicial sanction program. A conference can be held to decide what you can do to repair the damage to the victim.

Not everyone is given the chance to enter this special program. It depends on the seriousness of your offence and your criminal history.

If the matter is not diverted to an extrajudicial sanctions program and you *plead guilty* in court, you will be given a sentence and you will not have to go to trial. If you plead not guilty, your case will go to trial.

It is not a good idea to plead guilty just to “get it over with”. You should speak to a lawyer before pleading guilty.

### **What happens at trial?**

At trial, the lawyer for the Crown will present the Crown's case against you. Then, your lawyer will have a chance to speak, call witnesses, and present evidence in your defence. Finally, a judge will decide whether you are guilty or not guilty.

If you are found not guilty, you will be free to go. If you are found guilty, you will be given a sentence for your crime.

### **What kind of sentence can I get if I plead guilty or I am found guilty after a trial?**

The type of sentence will depend on the seriousness of the crime. The judge, or conference members, will also consider a number of things including:

- what role you played in committing the crime (were you the leader or did you just follow along?);
- whether or not your crime was violent;
- the harm done to the victim and whether or not you meant to cause that harm or should have known that your actions would cause that harm;



- whether you have been found guilty of an offence before;
- any reparation (attempts to correct the thing that you have done) you have made to the victim or the community;
- the time you have already spent in detention for the offence; and
- any other relevant circumstances about you or the offence.

Custody is reserved for violent offences, for failing to comply with non-custodial sentences, for serious offences combined with a history of previous offences, or for exceptional cases.

The judge, or conference, may also take into consideration whether or not you have tried to repair the harm you caused before sentencing, and the amount of time you have already spent in jail or under adult supervision. Your sentence will never be longer than a sentence that an adult would receive for the same offence committed in similar circumstances.

If you are given a youth sentence, a judge can order:

- a reprimand by the judge in court;
- a fine up to \$1,000;
- restitution to repair damage or compensation to pay money to the crime victim;
- up to 240 hours of community service, or personal service to the victim to compensate him or her for the damage you caused;
- a prohibition order that forbids you from possessing a weapon;

- probationary supervision by the court for up to two years;
- an Intensive Support and Supervision Program Order, which includes supervision and support from the community to help you change your behaviour;
- custody and supervision for up to three years, a portion of which will be served in a youth centre, and another portion to be served under community supervision;
- in exceptional cases, an adult sentence if the court thinks that a youth sentence is not long enough to hold you accountable for the crime committed.

If you are given a custody sentence, you will carry out your sentence in a youth facility separate from any adults. Depending on your age, if the judge thinks that you will be a danger to the rest of the young people in the facility, you may be transferred.

### **Will I have a record for life?**

If you are found guilty of an offence committed when you are under 18, you will have a criminal record for up to five years after the completion of your sentence depending on the seriousness of the crime and the type of sentence imposed. After this time period, your record will be destroyed if you don't get into any more trouble before the five years are up.

If you are convicted of a crime as an adult during the time in which your youth record is still open, then the youth record will become part of your adult criminal record and will not be destroyed.



## What happens if I have a youth record?

Having a youth record can affect your life in many ways. If you have a youth record:

- you may not be allowed to go to the United States or other foreign countries, even for a visit;
- you may not be able to get certain jobs; and
- if you are found guilty or are convicted of another offence at any time, your penalty may be harsher if you have a previous record.

## Who will see my youth record?

Police, Crown attorneys, probation officers, and your lawyer can see your record of crimes committed while you were under 18 as long as the record exists.

There are other people listed in the Youth Criminal Justice Act who have access to your record, and others who may obtain access for specific purpose but who will need to get a court order to do so.



# CHAPTER 12 YOU AND CRIME

## DRIVING

### How do I get a driver's licence?

To get a driver's licence in Manitoba, you must go through the three stages of the Graduated Driver Licensing (GDL) process. Each stage of the GDL process has specific restrictions imposed on new drivers, based on the driver's experience.

The three stages of the GDL process are the Learner Stage, the Intermediate Stage, and the Full Stage. You must spend at least nine months in the Learner Stage before moving on to the Intermediate Stage, and you must spend 15 months in the Intermediate stage before moving to the Full Stage.

### When can I apply for the Learner Stage licence?

You can apply for a Learner Stage licence when you are 16 years old. If you are enrolled in a high school driver education course, you can apply when you are 15-and-a-half years old. If you are under 18, you must have your parent's consent.

### How do I get a Learner Stage licence?

Before you are issued a Learner Stage licence, you must take a written test on your knowledge of traffic laws, safe driving practices, and recognition of road signs. You must also take a vision test to ensure that you meet minimum vision standards. If you need glasses or contact lenses to pass this test, your licence will require you to wear them when you drive. You will also have to

pay the required licence fees and insurance premiums.

### How do I get an Intermediate Stage licence?

After you have had your Learner Stage licence for nine months without breaking any restrictions, you can take a road test. You will have to operate your vehicle safely and legally in typical traffic situations. You must supply the vehicle in which you take the road test, and the test must be scheduled in advance.

Once you pass the road test, you will be granted an Intermediate Stage licence.

After you have had your Intermediate Stage licence for 15 months without breaking any restrictions, it will become a Full Stage licence.

### What are the restrictions on the different licence stages under GDL?

The restrictions on a Learner Stage licence are:

- You must not drink alcohol if you will be driving;
- You must be accompanied by a supervising driver in the front seat, and the supervising driver must have a blood alcohol level of under .05 and must have a valid Full Stage licence for at least three full years;
- You may carry only as many passengers as there are functioning seatbelts. Aside from the supervising driver, you can only carry passengers in the back seat;



- You cannot tow vehicles, operate a farm truck with more than two axles, or operate off-road vehicles along or across highways; and
- You are allowed to drive a moped if you are at least 16 years old.

The restrictions on an Intermediate Stage licence are:

- You must not drink alcohol if you will be driving;
- From 5:00 a.m. to midnight you can have only one passenger in the front seat and as many passengers in the back seat as there are functioning seatbelts;
- From midnight to 5:00 a.m., unless there is a qualified supervising driver in the front seat, you are only allowed to carry one passenger. If there is a qualified supervising driver, you can carry as many passengers in the back seat as there are functioning seatbelts; and
- You may tow vehicles, operate a farm truck with more than two axles, and operate off-road vehicles along across highways.

The only restriction on a Full Stage licence is that for the first 12 months, you must have a blood alcohol level of zero when you drive.

### **Who will teach me how to drive?**

Anyone who has had a valid Full Stage licence for at least three full years can teach someone with a Learner Stage licence to drive.

Most schools offer a driver education course which includes instruction in driving a vehicle.

Other driver courses are offered for a fee by driving schools. They can be found in the phone book.

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**Driver and Vehicle Licencing:**  
**204-985-1100 or 1-866-323-0544**  
**online: [www.mpi.mb.ca](http://www.mpi.mb.ca)**

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Contact the nearest *Driver and Vehicle Licencing Branch* to find out more about driver's licences, test locations, and driver education programs and resources.

### **What is a probationary licence?**

A probationary licence is a valid driver's licence which has a one-year term of probation. This means that if you are convicted of a driving offence during that first probationary year, your driver's licence could be suspended for up to one year. This does not include getting parking tickets.

### **What if I get into a car accident?**

If you get into a car accident while driving a car, you must give your driver's licence number and the licence plate number of the car. If you are not the owner of the vehicle, you must provide the name and address of the owner to the other party involved in the accident.

It is a crime not to stop after an accident and provide this information or to fail to offer assistance to anyone that might be injured. If you are convicted of failing to remain at the scene of an accident, you could go to jail for up to five years.

### **What if I get into a car accident and no one is around?**

If you cause damage to a vehicle or property and the owner is not around, you must try to give the owner your name, driver's licence number, and licence plate number. If you



cannot locate the owner, you must leave the owner a note with this information.

### **Do I have to report a car accident to police?**

You do not have to report all car accidents.

You only have to report a car accident to police if the accident has caused injury, death, or damage to property apparently over \$1,000. This report must be made within seven days of the accident.

### **Can I register a motor vehicle?**

**Under 16 years** - you cannot register a motor vehicle.

**Under 18 years** - you can register a motor vehicle as long as the application for registration has been approved and signed by your parents or guardian.

**Over 18 years** - you can register a motor vehicle.

**Driving While Over .80** - If you are stopped by the police while you are driving and they suspect that you are intoxicated or have been drinking, they may ask you to take a test for alcohol consumption. If you blow over .80, you will be charged criminally and your vehicle will be impounded.

**Driving While Over .50** - In Manitoba, if you are stopped by the police while you are driving and they suspect that you have been drinking, they may ask you to take a test for alcohol consumption. If you blow over .50 but under .80, you may be charged under the Highway Traffic Act and can lose your licence for 24 hours and pay a fine. This is not a criminal charge and you can't go to jail, unless you are charged with impaired driving.

**Impaired Driving** - If you are stopped by the police while you are driving and they suspect that you are intoxicated, have been drinking or are under the influence of other drugs, they may charge you with impaired driving. Even if your blood alcohol level is below .80, you can still be charged with impaired driving based on the officer's opinion of your condition and of your driving.

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## **DRINKING AND DRIVING**

### **What can happen to me if I drink and drive?**

**Refusing to Provide a Sample** - If you are stopped by police while driving a motor vehicle and they suspect that you are intoxicated or have been drinking, they may ask you to take a roadside test and/or breathalyser at the police station. If you refuse either of these tests for alcohol consumption, you may be charged criminally with refusing to provide a sample, and your vehicle will be impounded.



# CHAPTER 13 YOU AND DRUGS

## TOBACCO PRODUCTS

### How old do I have to be to smoke?

You must be at least 18 years old to purchase or smoke tobacco products.

### Where am I allowed to smoke?

Even if you are old enough to legally smoke, you cannot smoke in any enclosed public place or an indoor workplace in Manitoba. If you are found smoking in a restricted area, you may be fined. For first offences, fines run between \$100 and \$500. This does not apply to traditional Aboriginal spiritual or cultural practices or ceremonies.

If you are old enough to legally smoke, you can smoke outside or in a private residence.

## ALCOHOL

### How old do I have to be to drink alcohol?

You must be at least 18 to purchase alcohol.

You must be at least 18 to drink alcohol on your own.

You may only drink alcohol when you are under 18 if you are with a parent or guardian who is over 18 years of age.

### Where can I go for help if I am addicted to alcohol?

**Al-Anon/Alateen Central Services Manitoba:  
204-943-6051**

**Addictions Foundation of Manitoba Youth  
Services: 204-944-6235**

If you or someone close to you has a problem with alcohol, you can contact *Al-Anon/Alateen Central Services Manitoba* or the *Addictions Foundation of Manitoba Youth Services*.

### How old do I have to be to go to a bar or lounge in Manitoba?

You must be at least 18 to enter a bar or lounge, whether you intend to purchase alcohol or not.

You may only enter a bar or lounge when you are under 18 if you are with a parent, spouse, or guardian who is at least 18 years of age. However, bars are allowed to restrict entry to those ages 18 or over. You may only consume alcohol in a bar or lounge if it is purchased by your parent, spouse, or guardian and it is consumed with a meal in their presence.

### Can I be asked to show I.D.?

Any place that has an age limit for entry may ask you for identification before allowing you entrance. If you refuse to produce identification, you may be refused entry. It is against the law to show false identification to obtain alcohol.



## If I am over 18, can I drink in a public place?

You may not drink alcohol in a public place. You may only drink at someone's home or in places that are licenced for that purpose.

## Can I drive with alcohol in my car?

You are not allowed to drive with opened bottles or cans of alcohol in the front or back seat of your car.

Once the alcohol has been opened, it may only be carried in the trunk of your vehicle.

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## OTHER INTOXICATING SUBSTANCES

### What are other intoxicating substances?

Intoxicating substances are things such as glues, adhesives, cements, cleaning solvents, and nail polish remover.

### Can I inhale an intoxicating substance?

It is illegal for someone under 18 to inhale, ingest, or otherwise consume an intoxicating substance.

It is illegal to sell intoxicating substances to someone under 18 when there is a reason to believe it would be used as an intoxicating substance.

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## DRUGS

### Are all drugs illegal?

Drugs prescribed by your doctor for your own personal use are not illegal. Also, any drug that is out in the open at a pharmacy is not illegal to purchase. It is illegal to sell your own prescribed drugs to other people.

Illegal drugs and substances include such things as marijuana, mushrooms, cocaine, hashish, heroin, acid, speed, opium, amphetamines, and steroids (when not prescribed by a doctor). It is illegal to buy, sell, or possess any of these drugs.

### What can I be charged with if I have illegal drugs?

**Possession** - If you are caught with an illegal drug, you may be charged criminally with possession of a narcotic.

**Possession for the Purpose of Trafficking** - The police may also assume that you have drugs for the purpose of selling them to others. If that is the case, you may be charged with this more serious crime.

**Trafficking** - If you are caught providing an illegal drug to someone, even for no money, you may be charged with this more serious crime.

**Importing and Exporting** - If you are caught bringing or taking an illegal drug into or out of Canada, you may be charged with this very serious crime.



## **Is it trafficking if I get drugs to split between me and one or more friends?**

Yes. Even if you do not take money for them, if you get illegal drugs for someone else, transport illegal drugs for someone else, or give illegal drugs to someone else, it is still considered trafficking.

## **Where can I go for help if I am addicted to drugs?**

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### **Street Connections: 204-940-3687**

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*Street Connections* offers referrals to treatment for substance abusers. They also provide a needle exchange program through a mobile van.

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## **The Addictions Foundation of Manitoba Youth Services: 204-944-6235**

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*The Addictions Foundation of Manitoba Youth Services* also offers counselling services to people aged 12 to 18.

The Ma Mawi Chi Itata Solvent Abuse Program provides early intervention case management to promote healthy lifestyles through leadership and role modeling.









**The Manitoba Association for Rights & Liberties**

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