



Caregiver Connections Education and Support Organization (CCESO)

Newsletter

Volume 5 Issue 1

WHAT ARE THE REQUIREMENTS FOR THE LIVE-IN CAREGIVER PROGRAM AS OF APRIL 1, 2010?

There are new requirements for applying for a labour market opinion to hire a live-in caregiver. The employer must:

- Pay for the caregiver's health insurance at no cost to the caregiver until he/she becomes eligible for provincial health insurance.
- Enroll the live-in caregiver in provincial workplace safety insurance (also known as workers' compensation) or equivalent insurance if the former is not available.
- Pay for the services, fees and costs of a recruitment or third party agency if you are using one for recruiting the caregiver. Employers are not permitted to recoup recruitment fees from live-in caregivers.
- Pay for transportation costs for the caregiver to travel from the caregiver's country of permanent residence to the location of work in Canada (where caregiving will take place). Or if the caregiver is already in Canada, pay the transportation costs for the caregiver to travel to the new place of work in Canada.
- Submit to HRSDC/Service Canada an employment contract with the Labour Market Opinion application to hire a foreign live-in caregiver. The employment contract must include the duration of the contract, duties of the position, wages, hours of work (including overtime, holidays, and sick leave as per provincial legislation), accommodation arrangements, as per provincial and municipal standards; transportation costs and arrangements; health insurance coverage; terms of resignation and termination; registration for provincial workplace safety coverage.

You, the employer must also:

- Keep records of the number of regular and overtime hours the live-in caregiver has worked for you on a weekly/monthly basis. The caregiver will need this information for their application for permanent residency.

Source: www.hrsdc.gc.ca or call Caregiver Connections for more information 416-656-5778

HOW TO CALCULATE WORK EXPERIENCE TO BE ELIGIBLE TO APPLY FOR PERMANENT RESIDENCE

EFFECTIVE APRIL 1, 2010, live-in caregivers working in Canada under the Live-in Caregiver Program: have **two options** for calculating their work experience to be eligible to apply for permanent residence:

- 24 months of authorized full-time employment, or
a total of 3,900 hours of authorized full-time employment (CCESO strongly advice to ask for more information on this)
- have **four years** from their date of arrival to complete the employment requirement to be eligible for permanent residence under the Program; and
 - no longer need to undergo the standard mandatory requirement for a second medical exam when applying for permanent residence.

Source: www.cic.gc.ca or call Caregiver Connections for more information: 416-656-5778

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YOUR RIGHTS UNDER THE EMPLOYMENT PROTECTION FOR FOREIGN NATIONALS ACT (LIVE-IN CAREGIVERS AND OTHERS), 2009 (INFORMATION SHEET)

Live-In Caregivers

The Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009 (EPFNA) applies to foreign nationals working as live-in caregivers or seeking work as Live-in caregivers in Ontario. For example, if you are working or looking for work under the federal Live-In Caregiver Program, the Act would apply to you.

This information sheet gives a summary of your rights under the EPFNA. As a live-in caregiver employed in Ontario, you also have rights under the Employment Standards Act, 2000 (ESA) to standards such as the minimum wage and limits on hours of work. You have the right to receive an information sheet about your ESA rights, titled Your Employment Standards Rights: Foreign Live-in Caregivers, along with this information sheet.

A recruiter cannot charge you any fee.

A recruiter is anyone who finds or tries to find you employment, helps another person in finding you employment, or refers you to someone to help you find employment in Ontario. The recruiter cannot charge you any fees. For example, he or she cannot charge you a fee for your Labour Market Opinion (LMO), work permit, or anything else required for you to begin work in Canada. Additionally, you cannot be charged a fee for extra services such as orientation, resume writing, interview preparation, or First Aid training sessions. The recruiter cannot charge you a fee for these services even if they are optional. In addition, no person working on behalf of a recruiter can collect a fee from you.

Your employer cannot charge you for hiring costs

If your employer paid fees or incurred other costs to hire you, he or she cannot recover these hiring costs from you. This means that your employer cannot charge these costs to you and cannot deduct them from your wages. This includes costs for all the same work-related charges and fees that your recruiter is prohibited from charging you such as for your LMO or work permit.

Your recruiter or employer cannot take your property

Your recruiter, your employer or a person acting on behalf of either, is prohibited from taking or retaining your property for any reason. This includes documents such as your passport or work permit.

You cannot agree to give up your rights.

You cannot agree or sign a contract to give up any rights under the EPFNA with your recruiter, your employer, or someone acting for your recruiter or employer. Any such agreement is invalid.

Your recruiter or employer cannot punish you for asking about or asserting your rights.

Your recruiter, your employer and any person acting on behalf of either, is prohibited from intimidating or punishing you for asking about or asserting your rights under the EPFNA or the ESA. You cannot be fired for asserting your rights. You cannot be intimidated or punished for speaking to a Ministry of Labour employment standards officer, filing a complaint with the Ministry or participating in a hearing.

If your recruiter or employer does intimidate or punish you for asking about or asserting your rights, he or she can be ordered to compensate you for any loss.

If you have a question or want to make a claim

If you have any questions about this information, or believe you have not received your rights and want to make a claim to the Ministry of Labour, please contact the Employment Standards Information Centre at (416) 326-7160 (toll-free at 1-800-531-5551) or, for the hearing impaired, at TTY 1-886-8893. You may also visit www.labour.gov.on.ca for more information or to download a claim form. You can also get an EPFNA claim form at a Service Ontario Centre. To locate the Centre nearest you, please call 1-800-267-8097

You have three and a half years to file a claim for your rights under the EPFNA. There is no limit on how much money can be recovered if an order is issued under the EPFNA.

Source: www.labour.gov.on.ca

Or call Caregiver Connections for more information 416-656-5778

WHY I AM A VOLUNTEER

By Mila Tabugsoc



AFCA volunteers at
CCESO Tax Clinic

For those who are planning on leaving their caregiving jobs, volunteering is a good way to integrate into the community. I am a member of the *Association of Filipino Canadian Accountants (AFCA)*. I work as a volunteer at their annual free income tax clinics. I was originally educated in the Philippines in the field of accounting. AFCA

opened a door of opportunity for me by allowing me to put my knowledge into practice.

For my training, I participated in tax seminars and got updates from the Canada Revenue Agency regarding the latest deductions (tax credits) that an individual can claim. My first time volunteering with AFCA was unforgettable. We were given computer software to use to prepare tax returns and there was a lot of info that I had to locate on the T4 slips and other documents. It was quite confusing, or “madugo” and I did not want the tax filers to know how afraid I was to make a mistake, so it took me a long time. It is quite funny now when I remember this; but somehow, I survived the experience. I asked for help and learned to patiently maneuver between the documents and the software forms. I want AFCA to be proud of their volunteers and I want to be worthy of their trust. I like working as part of a team to achieve a common goal. Trust and great camaraderie are some of the qualities we have developed together.



Mila at Tax Clinic

Being a volunteer at AFCA has taught me a great lesson that I always remember every time taxation months come around: “Never take volunteer jobs for granted”. Facing new challenges can build your confidence. If we have confidence in ourselves, we can go far. I am happy to assist my fellow caregivers and I am proud to be a volunteer. I hope to see you at CCESO’s annual Free Tax Clinic for Caregivers hosted by the Association of Filipino-Canadian Accountants.

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MY VIEW ON INTERNATIONAL WOMEN'S DAY

By Johna

I attended International Women’s Day with CCESO last year and I had a good time. We started the day with a big breakfast at a café and strolled downtown to the Rally and March. The excitement and camaraderie with friends were the same things I was looking forward to this year.

This year I joined CCESO again to celebrate IWD on Saturday March 6, 2010. Before the march started, I was a little bit hesitant and shy about being exposed to the public. Hundreds of people would be marching from St. George and Bloor to Ryerson University. For me, rallying down the street was “not my cup of tea”...or so I thought.

During the march, I heard the voice of a woman in front of us yelling: *What do we want?*

And people responded: *Equal rights!*

Then the woman asked: *When do we want it?*

And people shouted: *Now!*

This reminded me of something my Theology teacher once said, “*The right to life is to have equal rights to live*”. This gave me courage. I asked myself, why should I be ashamed to participate in this movement? Why should I be ashamed to show to people that women have unique power and strength? For every individual, regardless of their identity deserves to be respected and given with equal rights and equal opportunity in this society. This gives me the boldness to show the world who I really am and to go for what I want, even when people are doubting me because we, humans, are basically the same and equal, and not one of us is better than the other.



The whole gang at IWD celebration march

“*International Women's Day (8 March) is an occasion marked by women's groups around the world. This date is also commemorated at the United Nations and is designated in many countries as a national holiday. When women on all continents, often divided by national boundaries and by ethnic, linguistic, cultural, economic and political differences, come together to celebrate their Day, they can look back to a tradition that represents at least nine decades of struggle for equality, justice, peace and development.*

Source: *The United Nations Department of Public Information publication (DPI/1878) January 1997.*

PREVAILING MINIMUM WAGE

Province	Minimum Wage as of March 31, 2010	Maximum Hours of Work	Room and Board	Vacation
Ontario	\$10.25 per hour as of March 31, 2010	48 hours per week	\$369.42 per month	2 weeks after 1 year of employment or 4% of the gross income if employment was terminated before completing 1 year of the employment contract

