
INTERNATIONAL CAREGIVERS DEVELOPMENT CENTER.

I. WHY CHOOSE OUR PROGRAM

II. LIVE-IN CAREGIVER PROGRAM

III. LABOR STANDARDS

IV. ROLES OF:

**a. HUMAN RESOURCES DEVELOPMENT
CANADA**

b. CITIZENSHIP AND IMMIGRATION CANADA

**V. APPLICATION FOR STUDENT AND
TEMPORARY RESIDENT VISAS**

Table of Content

Introduction	3
WHY CHOOSE CANADA?	4
EMPLOYEE (CAREGIVER).....	8
ARE YOU INTERESTED IN WORKING AS A LIVE-IN CAREGIVER?	8
LIVE-IN CRITERIA	9
FEES.....	9
THE APPLICATION PROCEDURE	9
THE EMPLOYMENT AUTHORIZATION	10
KNOW YOUR RIGHTS	11
THE CONTRACT: A FAIR WORKING AGREEMENT.....	11
HOW ARE CONTRACTS ENFORCED?	12
YOU ARE PROTECTED.....	12
HOSPITAL AND MEDICAL CARE INSURANCE	13
WORKERS' COMPENSATION BENEFITS.....	13
WHAT IS ABUSE?	15
IF YOU NEED HELP	15
THINKING ABOUT QUITTING	17
BREAKING THE CONTRACT	17
APPLYING FOR PERMANENT RESIDENCE.....	18
IF YOU LOSE YOUR JOB	19
OPEN EMPLOYMENT	19
FAMILY MEMBERS	19
A SAMPLE OF EARNINGS AND DEDUCTIONS PER MONTH.....	20
BEFORE YOU LOOK ABROAD	21
HOW TO HIRE A FOREIGN LIVE-IN CAREGIVER.....	22
OBLIGATIONS OF THE EMPLOYER	22
ADVICE TO EMPLOYERS	23
BEFORE YOU SIGN A CONTRACT	23
HOSPITAL AND MEDICAL CARE INSURANCE	24
WORKERS' COMPENSATION BENEFITS.....	24
RESPONSIBILITY AS AN EMPLOYER.....	24
DEDUCTIONS	26
ROOM AND BOARD.....	26
ENDING AN AGREEMENT WITH AN EMPLOYEE	26
When can I, as a live-in caregiver, sponsor my dependents to come to Canada?.....	27
How much should I, as an employee, be paid if I am asked to work extra hours or during a day off?.....	27
Can I refuse to work for personal or religious reasons?	27
I am already working as a live-in domestic under the Foreign Domestic Movement Program. Can I still apply for permanent resident status?.....	27
DOCUMENTARY REQUIREMENTS FOR REGISTRATION OF EMPLOYMENT CONTRACTS	29
PAYMENT OF FEES:	29

Introduction

This manual is for anyone who plans to participate in the Live-in Caregiver Program as either an employer or a caregiver. Its purpose is designed to explain the program to both employers and employees.

Whether you are someone who wants to employ a caregiver from the Philippines or other country abroad, or you are planning to apply under the program as a caregiver, and wish to make sure you know how the program requirements apply to you.

Before applying, please read this information carefully. By knowing your obligations and rights, you can build a mutually rewarding employer/employee relationship.

The Live-in Caregiver Program is a special program to bring workers to Canada or other country to do live-in work as caregivers when there are not enough Canadians or nationals to fill the available positions. A “live-in caregiver” is someone who provides unsupervised care of children, the elderly or the disabled in a private household.

Successful applicants who have graduated from the International Caregivers Development Center will receive an employment authorization allowing them to work in Canada as live-in caregivers.

After two years of employment, program participants can apply in Canada to become permanent residents; they may be granted permanent resident status (landed immigrant) provided they meet certain requirements. Note: the two years of employment must be completed within three years of the caregiver’s arrival in Canada.

WHY CANADA?

Immigrants, beginning with the first European settlers in the 1600s, build Canada. Immigration is still shaping Canada: Two million immigrants arrived in the 1990s alone. This tradition has made Canada a country that is worldly in the best sense of the world. Sidewalk crowds in Montreal, Toronto or Vancouver shine with the faces of the world. Half of all Canadians trace their origins to the founding nations of Britain and France, and half have theirs in other countries and continents.

Canada's tolerant blend of cultures, in concert with unmatched natural wealth, has made for an enviable combination of opportunity, security and prosperity.

Canada is a vast country, second in size only to Russia and covers six time zones. An airplane flight from Vancouver in the west to Halifax in the east takes same time as a flight from New York to Paris. Again, Canada is as much a continent as a country.

The United Nations consistently ranks Canada as the world's most desirable country in which to live. With the United States right next door — The world's largest economy and their largest trading partner — Canada is the best place in the world to do business.

Continental Scope

To the east are the Atlantic Ocean and the traditional sea lanes to Europe. To the west is the Pacific Ocean that opens to Asia. To the south is the United States, whose leading cities are just a short-hop airplane flight and whose border is little more than a one- or two-hour drive from many major Canadian cities. To the north is the Arctic Ocean with the frozen white expanses that stretch to the North Pole.

Healthy Lifestyle

The life expectancy of Canadians is 82 years, which ranks among the five longest-living nationalities.

Improving the Food Chain

Canada has long been one of the world's leading grain producers, plus Canadian researchers have a history of developing more productive and more disease-resistant strains.

Investing in Education

Canada is home to 150 colleges and universities and 40% of Canadians have college degrees or higher. The country spends 7.3% of its GDP (Gross Domestic Product) on education — more than any other country.

If there was a city defined by its geography, it's Vancouver.

The Pacific Ocean meets the coastal mountains in North America's largest West Coast port. Stanley Park, the largest city park in North America, features a five-century old rainforest, a 10-kilometer long seawall walking/cycling path and numerous tourist facilities. The mild temperatures nourish gardens and forests and recreation year round. The city is connected to the rest of Canada over the Rockies, to the United States minutes to the south, and to the Far East, a source of wide-ranging commerce and immigration.

Yet despite being blessed with one of the world's most spectacular natural settings, Vancouverites somehow remain humble about their special city. Perhaps they have just gotten used to beauty. Perhaps it is just the mellow attitude that people from West Coast are famous for. Most likely it is the wide range of sports and recreation — skiing, sailing, running, fishing — that keeps visitors and residents alike just too busy enjoying the place.

But it's not all play. As one of Canada's most important port cities, Vancouver has long been an economic center. From the traditional sectors of timber, mining, agriculture and fishing — still world class — the economy has been transformed in recent years by considerable investment in manufacturing and processing. Much of this change has been driven by and for the Far East. In the last ten years, investment from Hong Kong totaled \$20 billion; from Japan, \$3.2 billion, and the People's Republic of China has forty companies based in the city. The trend continues.

This openness is reflected in many facets of the city and province;

- In the 2000 restaurants with authentic cuisine from around the world
- In the first provincial premier of south Asian descent, Ujjal Dosanjh
- In the Dr. Sun Yat-Sen Classical Chinese Garden, a 14th-century Ming dynasty-style garden — the first built outside China

It can also be seen daily at the Granville island public market where visitors, new and long-time residents meet first for an herbal tea, then for one of the best shopping experiences. Perhaps Vancouver's best Qualities can be found at the Anthropology Museum at the University of British Columbia, a place where the future meets its aboriginal past.

Investing in Health Care

Canada spends 9% of GDP on health care — second only to the United States — and has a long and successful tradition of research in pharmaceuticals, medical sciences and biotechnology.

Quality Health Care at Low Cost

Canada's health care system is among the best and cheapest in the industrialized countries. According to a 1997 study of KPMG, employer-paid statutory health benefits as a percentage of workers' gross pay are about forty percent of that in the US — 4.4% compared with 10.3%. Within Canada's borders reside some of the world's leading health care scientists and clinical investigators.

Nurturing Entrepreneurs

Canadian tax laws encourage venture capital investing, which is nurturing a new generation of innovative high-tech companies.

Clean Air

Major cities like Halifax, Quebec City, Montreal, Ottawa, Winnipeg and Vancouver have but one, two or three days per year when Environment Canada's Air Quality Index considers the air to be poor.

Rich in Recreation

Cottage and resort country is but a one-, two-, or three-hour drive away for most residents of large Canadian cities and much closer at hand for people living in small cities and towns.

Wealth of Parkland

Canada's 37 national parks include Wood Buffalo National Park — which occupies a larger territory than either Taiwan or the Netherlands.

Ideal Location

Toronto, Canada's largest city is but a one-day drive from more than one-half of the US population.

Rich in Energy

The Alberta oil sands hold 1.7 trillion barrels of oil — one-third of the world's recoverable oil reserves.

Export-Oriented

Some 40% of Canada's economic output is exported, and the year-round port of Vancouver has a decided focus on the huge markets of Asia.

Growth Industries

The Montreal area is particularly strong in pharmaceuticals, biotechnology, software and telecommunications — growth industries with global markets.

Sound Government Policies

Canada's 2000 federal government budget made it the only G-8 country with a balanced budget for three years running. Of the new expenditures, most target health care, research and education.

Free Trade

Along with the United States and Mexico, Canada is a member of the North American Free Trade Agreement (NAFTA) — which has led to a single open market encompassing almost 400 million people. The benefit? Canadian trade with the United States doubled in the first five years after the signing of the free trade agreement.

Entrepreneurial Culture

While 35 countries worldwide exceed Canada's population of more than 30 million, they have one of the world's top 10 stock markets in terms of market value.

Cost Competitive

According to a KPMG study, Canada has the lowest business cost in strategically important industries like electronics, pharmaceuticals, telecommunications equipment and software.

Continuing Growth

Canada created over 1,248,000 jobs in the 2000 to 2005 period — more than the population of Ottawa, Ontario and Hull, Quebec combined — and the Organization for Economic Cooperation and Development expects Canada to have the largest percentage growth in employment of all G-8 countries.

EMPLOYEE (CAREGIVER)

ARE YOU INTERESTED IN WORKING AS A LIVE-IN CAREGIVER?

The Live-in Caregiver Program provides professional caregivers for employment in Canada. These include individuals who graduated from the International Caregivers Development Center (ICDC) and are now qualified to care independently for children, the elderly or people who have disabilities. There are three main requirements one must meet to qualify under the Live-in Caregiver Program. These are:

1. Successful completion of the equivalent of a Canadian high school education: this requirement will help to ensure that those participants who apply for permanent residence after two years will be able to succeed in the general labor market since studies have shown that over the next ten years, 65% of new jobs in Canada will require at least a high school education.
2. Six months full-time training OR twelve months of experience in paid employment in a field or occupation related to the job as a live-in caregiver. You may have gained training or experience in early childhood education, geriatric care, pediatric nursing or first aid, to name just a few areas. You may have completed this training as part of your formal education.
3. Ability to speak read and understand either the English or French language: you must be able to function independently in a home setting. For example, you must be able to contact emergency services if required and to understand labels to give medication. You will be unsupervised for most of the day and may be put in a position of having to communicate with

someone outside of the home. A good knowledge of English or French will enable you to read and understand for yourself what your rights and obligations are.

LIVE-IN CRITERIA

An important requirement of the program is that employees **must** live in the employer's home. The Live-in Caregiver Program exists only because there is a shortage of Canadians and in most western countries to fill the need for live-in care work. There is no shortage of Canadian workers available for care giving positions where there is no live-in requirement.

FEES

You should know that you must pay a fee for the processing of your application when you submit it. You can contact the Canadian Consulate, Embassy or High Commission nearest you to find out the amount of the fee, or visit the website. The amount is revised from time to time to reflect the cost involved in processing applications. Since the fee only covers the cost of handling the application, you will not get a refund if the visa office refuses your application.

Therefore, we suggest that you review the program requirements carefully before making an application. There will also be costs for a medical examination, passport and travel. You are responsible for these costs as well as the processing fee described above unless your employer offers to pay them for you.

THE APPLICATION PROCEDURE

Your employer will submit a request to hire you at a Canada Employment Centre (CEC) in Canada. The CEC will ensure that no Canadians, permanent residents or other temporary workers already in Canada are qualified and available to take the employer's offer of employment. Once the offer of employment has been validated by the CEC and sent to the visa office in your country, an official from the visa office will contact you so it can be determined whether you are eligible to come to Canada as a live-in caregiver.

You will be asked for your diplomas, school certificates or transcripts listing the courses you have taken. Be honest about your education, training and experience because you could be disqualified from the program if you are

not. Your marital status and the number of children you have will not affect the outcome of your application; you must be honest in providing this information.

If the visa office approves your application, you will be given instructions for medical testing. When visa officials receive proof that your medical results are satisfactory and you have met all other requirements, you will be issued an employment authorization. An employment authorization is not a travel document; you must also get a passport and visitor's visa, if required. The requirement for a visitor's visa will depend on the country you are coming from.

Because of the existence of agreement between Canada and Quebec, there are differences in the way the program operates for caregivers who will be working in Quebec.

THE EMPLOYMENT AUTHORIZATION

An employment authorization from a Canadian visa office will allow you to work in Canada as a live-in caregiver. The employment authorization is usually valid for one year. Make sure you renew your employment authorization before it goes out of date; it is now possible to do this by mail through the Canada Immigration Centre (CIC). You will need a letter from your employer stating that your job as a live-in caregiver is being offered for another year. Include this letter in your application to renew your employment authorization.

Remember that the document authorizes you to work only for the employer named on the employment authorization. However, this does not mean you cannot change employers. You may change employers for personal or other reasons. You must apply for and have received a new employment authorization before you go to work for the new employer. Both you and your employer must be aware that you are free to change employers while in Canada. **Immigration Canada will not deport you for looking for another place to work.**

Note: Involvement in any illegal activity could result in cancellation of your permission to work in Canada.

You cannot, for example, work for any employer except the employer named on your employment authorization; you cannot accept employment

except as a live-in caregiver nor can you go to work for a new employer, even for a “trial period” until you have a new employment authorization.

KNOW YOUR RIGHTS

You should not accept ill treatment from your employer. Know your rights and be familiar with the terms of your contract. Under most provincial labor laws, your employer cannot refuse to pay you for overtime work or force you to work excessive hours. Your employer cannot have you deported if you refuse or complain.

You should find out the maximum amount that your employer can legally deduct for room and board from your salary, and how meal charges will be calculated. Charges for meals not eaten at your employer’s home cannot be deducted from your salary.

THE CONTRACT: A FAIR WORKING AGREEMENT

You and your employer both need to understand clearly the terms and conditions of your employment. The relationship between employer and live-in employee is much like any professional relationship. It is worthwhile to set out clearly what each person expects of the other to avoid any misunderstandings about the terms of the working relationship.

The aim of setting out the relationship in a contract is to get the fairest working arrangement possible for both you and your employer. A contract can help to avoid future problems by offering protection of your rights as well as a clear statement of your obligations. A contract is a written, detailed job description which also describes the terms and conditions of employment, usually including the maximum number of hours of work per week and the wage rate for those hours of work. Nothing in the contract should violate provincial labor laws, which establish minimum employment standards such as the minimum wage.

To ensure the contract is effective, think carefully about what it is for, and how you will use it. An example of a contract has been provided to help you. Remember that your contract will help to ensure you know what your employer expects of you and that your employer fulfills his or her legal responsibilities to you. You should insist on your own copy of the completed contract.

HOW ARE CONTRACTS ENFORCED?

The Government of Canada is not a party to the contract. They have no authority to intervene in the employer-employee relationship or to enforce the terms and conditions of the employment. It is your responsibility to know the laws that apply to you and to look after your own interests. The contract will help to protect your rights as an employee by providing a written agreement of the terms of your employment. You can use the contract as bases for discussion with your employer should a misunderstanding arise or for a complaint to authorities responsible for employment standards, should this become necessary.

YOU ARE PROTECTED

Live-in caregivers have certain legal rights respecting fair working conditions and fair treatment under employment standards legislation in most provinces and territories. Nothing in your contract must violate these rights. Employment standards regulations may cover rights in areas such as:

- Days off each week
- Vacation time with pay
- Paid public holidays
- Overtime pay
- Minimum wage
- Other protection including equal pay, equal benefits, pregnancy leave and notice of employment termination
- Maximum charges for room and board

Public holidays are days of the year when most workers, including live-in caregivers, can have the day off with pay or receive a premium if they work. In Canada, some common holidays are New Year's Day, Good Friday (Easter), and Victoria Day, Canada Day, Labor Day, Thanksgiving and Christmas Day. Some provinces have one or two extra public holidays.

Conditions, such as minimum hourly wages, vary widely in Canada according to provincial law. It is your responsibility to find out what employment protection is offered by law in the province or territory where you are working.

HOSPITAL AND MEDICAL CARE INSURANCE

Under Canada's national health insurance system, Canadian residents do not have to pay the cost of certain hospital and medical expenses. However, depending on the province or territory in which you are working, you or your employer may be required to pay to be covered by the insurance plan.

Once in Canada, contact the medical care or hospital insurance office in the province or territory where you are working for more information about your health insurance and who pays for it.

WORKERS' COMPENSATION BENEFITS

Many provinces and territories have provision for workers' compensation benefits. The Workers' Compensation Plan is a provincial government insurance plan, which will pay your wages if you get sick or injured on the job. In some provinces, employers must register their employees in the plan; in other provinces, participation is up to the employer. Since the plan is an insurance plan for employers, only the employer can pay for it. The employer cannot deduct money from your wages for this purpose. If workers' compensation is optional in the province in which you will be working, it should be spelled out in the contract between you and your employer whether your employer will be participating in the plan. Find out how to be protected and what steps to take if you have an accident at work.

OTHER DEDUCTIONS FROM YOUR PAY

The other deduction (apart from an agreed-upon amount for room and board) your employer can make from your pay is a deduction for income tax. Every year, your employer must send a record of your wages and deductions to Revenue Canada Taxation. Your employer must provide a copy of this record to report by April 30 of each year. Depending on how much you earned in the taxation year (January to December), you may receive back all or part of what you paid for that year in income tax deductions. You can get the income tax form and a book to help you fill it in at any post office.

OTHER CONDITIONS OF WORK

Employees have the right to privacy in the employer's home. For example, you should ask for a lock on the door of your own room as well as a key to the employer's house. Off-duty time is yours to spend as you wish: your employer cannot insist that you spend your own time in his or her house. You have the right to refuse to do work that is not covered under your contract with the employer.

Your legal documents, such as your passport and employment authorization, are your private property. Do not give them to your employer.

OTHER BENEFITS: UNEMPLOYMENT INSURANCE, CANADA PENSION PLAN AND OLD AGE SECURITY

Live-in caregivers in Canada are covered by unemployment insurance (UI). The purpose of UI is to provide benefits to qualified workers who lose their job through no fault of their own. You may be eligible to receive benefits while you're looking for another job. However, LCP participants are expected to find a new employer as soon as possible. While you are working, you pay into the unemployment insurance account payroll deductions. The amount deducted depends on how much you earn. The employer must remit this deduction and your employer's contribution to the government.

The Canada Pension Plan (CPP) is another plan to which both you and your employer must make contributions. The CPP provides for the payment of a retirement pensions as early as age 60 if you are no longer working or are working very few hours. The plan also pays disability pensions and benefits to the spouse and dependent children of contributors who die. Before you can receive any benefits, you must meet certain other conditions of eligibility such as residence requirements; that is, if you work in Canada for only one or two years, and then return to your country of previous residence, you will not qualify for a pension.

The Old Age Security Program (OAS) provides for the payments of a monthly benefit to residents of Canada who are at least age 65. This program requires no direct contributions on your part.

Your employer is strongly encouraged to accompany your pay cheques with a statement of earnings. This will show your gross earnings, the amount of each deduction taken from your gross pay and the purpose of each deduction.

WHAT IS ABUSE?

Abuse can take many forms. It can include criminal acts such as assault, or negligence; it can be human rights violations such as sexual harassment, verbal taunting or degrading and humiliating behavior. It could be a threat or a false accusation by your employer meant to frighten you against complaining.

The best protection against abuse is information. Be sure that you know your rights and what steps to follow if something goes wrong. Depending on the nature of the incident, abuse may be an offense under the criminal code or a violation under provincial or federal human rights legislation.

Don't confront the abuser. Inform the police or let the responsible provincial authorities know about it and let them take care of the investigation. A domestic worker advocacy group may also be able to provide counseling and support in this situation.

IF YOU NEED HELP

If your employer treats you unfairly, you can call or write to the nearest provincial or territorial labor standards office who will investigate on your behalf. Your employer may not penalize you for complaining to these agencies. Agencies may ask you, however, if you have tried first to resolve the problem yourself by talking to your employer. Remember that your employer may not realize there is a problem. You may be able to solve it yourself just by letting your employer know how you feel.

If you suffer from other difficulties such as stress, anxiety or any other concern, you will find there are many non-government organizations that can help. In every province and territory, there are private and public agencies ready to offer encouragement, advice and help. In some locations, there are also professional support networks of live-in domestic or caregiver workers. There is not usually a charge for these services. In some cities, there are telephone services, which provide recorded information on legal matters free of charge.

Occasionally, live-in caregivers have reason or need to change employers. If this happens, you have the right to leave your employer. You don't need permission from your present employer to accept another live-in care-giving job with someone else. **You cannot be deported for quitting a job or for looking for other employment.**

You must realize, however, that you are responsible for finding a new employer. The Canada Employment Centre may be able to provide information about available employment opportunities.

Your new employer must get a validated offer of employment from a CEC. Include a copy of the CEC's letter, which confirms the validation of the offer of employment, along with your application for a new employment authorization.

You must get a new employment authorization **before** you begin to work for your new employer. You can get an application kit for your employment authorization from any CIC. All CICs now provide service by mail.

If your employment authorization is about to expire and you have not yet found a new employer, or the CEC validation has not been processed, send in your application to renew your employment authorization, along with a letter of explanation, at least three weeks before the expiry date of the document.

Be sure to include your file number, full name, and date of birth and make sure to keep a copy for yourself. **Do not allow your employment authorization to expire, even for one day. It is your responsibility to keep your authorization valid.**

Working for anyone other than the employer named on the employment authorization is illegal. Similarly, you must not accept "trial employment" where a new employer offers to "try out" your services for a few weeks or months to determine if you are suitable for a one-year contract. "Trial employment" is also illegal for your employer.

Remember that sub-standard wages paid for unauthorized employment may be very difficult to recover under provincial labor legislation. Unauthorized employment will not count toward meeting the two-year employment requirement to apply for permanent residence in Canada under the program.

THINKING ABOUT QUITTING

You will improve your chances of getting another job if you have worked in one job for a considerable period. You can solve many problems by talking about them with your employer. In Canada, we expect that employer and employees may have to revise their contract periodically to be sure that it suits their situation. Talk with your employer before taking any action to quit your job. If you decide to quit, give your employer enough notice so arrangements can be made for your replacement. Check your contract to find out how much notice you have agreed to give your employer. If you do not have a contract, two weeks notice is suggested. However, you are encouraged to leave a physically abusive situation right away.

BREAKING THE CONTRACT

If you leave your job, your employer must provide you with a Record of Employment (ROE). Only your employer can get and complete this document. The ROE shows how many weeks you worked and how much you earned. It will be required if you apply for unemployment insurance benefits. Keep this record in a safe place even if you are not applying for unemployment insurance benefits. It will help to show your work record and can serve as the proof that you have worked the necessary length of time as set out in Live-in Caregiver Program regulations. **Your employer cannot refuse to give you a Record of Employment.**

If you are having difficulty getting your ROE, contact the local Canada Employment Centre and ask that Investigation and Control officials follow up with your employer. Statements of earnings explaining hours worked and deductions made would also be helpful. Your employer can do this; it would be a good idea, to put in your contract that you wish to receive a detailed explanation of earnings and deductions with every pay. Remember that if you change jobs, you should make another contract with the new employer.

Any employee who leaves live-in care giving work and takes employment as a live-out worker can be disqualified from the program.

APPLYING FOR PERMANENT RESIDENCE

You need to complete at least two years of employment as a live-in caregiver to apply for permanent residence in Canada. Please note that the two-year requirement does not include any extended time away from Canada. If you go away on vacation for three months, that time will not be included as part of the two years of employment.

You should be aware that in some countries you might need to reapply for a visitor's visa to return to Canada. If you leave Canada for more than a year or if your employment authorization has expired, you will have to reapply to the overseas visa office to return to Canada under the Live-in Caregiver Program. Program participants who wish to return permanently to their home country and leave the program are free to do so at any time. Adequate notice should be given to the employer.

You should realize that your application could be cancelled if you misrepresented your education, training or experience to the visa officer when you first applied under the program.

If you apply to stay in Canada, you must complete an application for permanent resident status. At that time, you must prove you worked as a full-time live-in caregiver for two years. To prove your two-year work record, you can use a statement of earnings or 14 forms as well as any other documentation you feel would help to improve your work record. If you changed jobs since your arrival, you should have a Record of Employment (ROE) from each of your former employers.

You will not have a ROE for your present job. If you have used your ROES to apply for unemployment insurance, CEC staff can help to get copies if you need them.

Your application for permanent residence in Canada will not be assessed on the basis of your financial situation, skills upgrading in Canada, volunteer work, marital status or the number of dependents you may have back home. However, you could be found ineligible for permanent residence, if you, your spouse or any dependent child has a criminal record or a serious medical problem.

IF YOU LOSE YOUR JOB

If you need to apply for Unemployment Insurance (UI) benefits, visit or phone the Canada Employment Centre near you. You will need your Record of Employment (ROE) to collect UI benefits. If you don't have your ROE yet, you can still apply for UI. You will be expected to find a new employer as soon as possible. Remember that you can apply for permanent residence after you have worked for two years as a live-in caregiver. The two years of work must be completed within three years of your arrival. Periods of unemployment can delay the date on which you can apply for permanent residence. Also, you could exceed the three years within which you must complete your two years of work.

OPEN EMPLOYMENT

Once you have received a favorable assessment, you may apply for an employment authorization. This will allow you to take any job you wish until you are granted permanent resident status. You will not receive your permanent resident status immediately. Normally, many people apply for permanent residence in Canada and you must wait for your turn.

FAMILY MEMBERS

A recent change to the Immigration legislation has resulted in faster processing of the spouse and dependent children of live-in caregivers who wish to have their families join them in Canada.

Your dependents in Canada can be included on your application for permanent residence and they can be landed at the same time you are. Your dependents abroad will be processed at the visa office in their country of residence.

Their immigrant visas will be issued just after you receive your visa, provided that the entire family passes medical and criminal screening and all other requirements are met. All of your dependents, both in Canada and abroad, must pass medical and background checks even if they are not planning to join you right away. You cannot be landed until all of your dependents have passed their medical and background checks.

A SAMPLE OF EARNINGS AND DEDUCTIONS PER MONTH

Monthly Gross Salary

CAD \$1,100 to \$1,400, depending on the kind of work plus applicable overtime	
Children:	\$1,100 - \$1,200
Aged:	\$1,100 - \$1,300
Disabled:	\$1,300 - \$1,400
Overtime:	Employer must pay at a rate of time and a half for all hours worked over the maximum of 44 per week.
Monthly Deductions:	
Room and Board	Up to a maximum of CAD \$325
Income Tax	Approximately between CAD \$150 to \$200
Canada Pension Plan	Approximately between CAD \$20 to \$25
Employment Insurance	Approximately CAD \$30
Workers' Compensation	To be paid by employer, depending on province
Medical Insurance	It is mandatory that individuals in Canada have medical insurance. Each province has a Medical Services Plan: however, depending on the province, individuals may not be eligible for the first 90 days that they are in Canada, in which case private medical insurance coverage must be purchased for the initial 90-day waiting period. Approximately between CAD \$175 to \$200 for private coverage, if necessary; around \$50 for the provincial Medical Services Plan.
Time Off:	
Weekly Breaks:	Minimum of 2 free rest periods each week consisting of 1 period of 36 hours and 1 period of 12 hours in a row.
Annual Paid Vacation:	2 weeks a year provided the caregiver works with the same employer for 12 full months.

BEFORE YOU LOOK ABROAD

If you want to hire a caregiver from abroad, we recommend that you contact the local Canada Employment Centre (CEC). Be sure you are familiar with the terms of the program before spending time or money recruiting employees from abroad. Be sure that the Live-in Caregiver Program is the best means of meeting your needs. There is no shortage in Canada of caregivers who does not live in. It may be possible to fill your position with a Canadian or permanent resident on a live-out basis. The CEC may ask that you show that you have made reasonable efforts to hire a Canadian or foreign worker already in Canada as a live-in caregiver. You must have sufficient income to pay a live-in caregiver and you must provide acceptable accommodation in your home. Your job offer must contain caregiving duties for a child, an elderly or disabled person. A job offer for a house cleaner, for example, is not acceptable under the program.

If the Live-in Caregiver Program would best meet your needs, remember there are three main requirements your caregiver will have to satisfy to qualify under the program. These are:

1. Successful completion of the equivalent of a Canadian high school education: this requirement will help to ensure that those participants who apply for permanent residence after two years will be able to succeed in the general labor market since studies have shown that over the next ten years, 65% of new jobs in Canada will require at least a high school education.
2. Six months full-time training OR twelve months of experience in a field or occupation related to the job you are offering: training or experience in early childhood education, geriatric care, pediatric nursing or first aid, to name just a few areas.
3. Ability to speak read and understand either the English or French language: the caregiver must be able to function independently in a home setting. For example, he/she must be able to contact emergency services if required and to understand labels to give medication.

HOW TO HIRE A FOREIGN LIVE-IN CAREGIVER

Employers are responsible for finding foreign live-in caregivers on their own through methods such as advertisements, personal contacts or hiring agencies. When you identify an individual you wish to employ, contact the local CEC who will assess your offer of employment. You will be asked to declare that you can provide the wages, benefits and working conditions required by provincial or territorial labor laws. The CEC will provide information on acceptable wage standards, taxation, health insurance, workers' compensation and other relevant matters. Remember that the minimum wage in your province or territory may be below the market wage in your community. You should be prepared to pay a wage rate and provide benefits comparable to those provided to other caregivers in your community if you want to keep your employee.

When the CEC has validated your offer of employment, you will be provided with a letter of confirmation. Your offer will be sent to the appropriate visa office abroad. If your potential employee is considered to be eligible to participate in the Live-in Caregiver Program and meets all other requirements, an employment authorization will be issued. This will take several months, so plan ahead. Even if CEC approves your offer of employment, your caregiver cannot work in Canada until he or she receives the employment authorization naming you as the employer. They suggest that you maintain contact with your prospective employee to determine when he or she will be able to begin employment with you.

Live-in caregivers have the right to change jobs without their employer's permission as long as they remain live-in caregivers. They are also eligible to apply for an open employment authorization after working for two years as live-in caregivers in Canada.

OBLIGATIONS OF THE EMPLOYER

Coming to live in a private home in a new country puts workers and employers in a special relationship of trust. Although the relationship is a professional one, you are urged to do all you can as an employer to help your employee adjust to life in Canada. You can refer your employee to agencies or other organizations that can offer support. You must be aware that you are an employer and have all the responsibilities, which that entail.

ADVICE TO EMPLOYERS

If you decide to use the services of a hiring agency, you should be sure that the hiring agency you select is reputable. The CEC cannot do that for you. The federal government does not recommend individual hiring agencies to employers. Be clear about what services the agency is offering. Ask questions. Be sure to get as much as information as you can from them. Check your agency contract carefully for information about airfare costs or other costs that may be your responsibility. Ask about refund guarantees and whether the company will replace an employee who quits, within what period of time and after what period of employment.

Ask the agency about references so you can be sure that the agency is not misrepresenting the qualifications of the candidates it recommends. Dealing with agencies is not the only way to find a suitable live-in caregiver from abroad. Many people rely on recommendations from friends or advertisements.

BEFORE YOU SIGN A CONTRACT

Be sure that you are aware of your needs and requirements before you decide if someone is suitable. Remember the responsibility your employee is going to have in your home for the care of your children or another dependent. Be sure to pick the right person for your family. Ask if the applicant smokes or drives a car, likes children or the elderly, or can cook. Be sure to find out if there any special customs or religious holidays that you should consider. Find out if the caregiver will be eating the food your family eats or would rather buy or prepare his or her own.

It is strongly recommended to sign a contract with your employee so your and his or her expectations are clearly outlined. In the contract, the caregiver's responsibilities will be set out. The contract will show that your employee accepts the terms and conditions of employment that you have offered. You should be aware that the terms of the contract are superseded by the province's labor laws in cases where the contract terms are less generous than the law.

Remember that the employment contract ensures that you have a legal way to protect your rights as an employer. The application, which you complete at the CEC to hire a live-in caregiver, is not a contract.

You must provide acceptable working conditions, reasonable duties and fair market wages. You must provide accommodation, which ensures privacy, such as a private room with a lock on the door. You should provide your employee with a key to the house to ensure freedom of access. It is your employee's home as well as his or her workplace. Your caregiver pays rent for a room in your home and is entitled to privacy. You should not enter the caregiver's room without his or her permission. You should respect the caregiver's cultural or religious practices and discuss your employee's needs.

A live-in caregiver is protected by employment standards legislation in most provinces and territories. Live-in employees are entitled to days off each week, statutory holidays, extra pay for overtime work and a salary that meets at least the minimum wage. It is your responsibility to find out what these standards are and to respect the law in your province or territory.

HOSPITAL AND MEDICAL CARE INSURANCE

Depending on the province, you may be required to pay premiums or a health tax on your employee's behalf. If so, you cannot deduct this from the employee's wages.

WORKERS' COMPENSATION BENEFITS

Live-in caregivers have the right to be covered under workers' compensation legislation in most provinces and territories. If you employ a live-in caregiver, you must determine your responsibilities under workers' compensation according to the laws of your province or territory. Workers' compensation is an employers' insurance plan; it is to your benefit to be sure your employee is covered if he or she is injured on the job.

RESPONSIBILITY AS AN EMPLOYER

Anyone who employs a full-time live-in caregiver under the program is **required by federal law to register as an employer with Revenue Canada Taxation**. You must make the proper deductions for income tax, unemployment insurance and Canada Pension Plan and remit these amounts to the proper federal authority. When you register as an employer, Revenue Canada will provide an information kit giving the necessary forms and showing how to comply with the law.

Remember: you must comply with the law and provide your employee with a Record of Employment when the employee's term with you is over. You will not be able to get the Record of Employment form unless you have registered properly as an employer.

Like all other small business employers in Canada, you must keep written records of your caregiver's employment. Employment standards law requires that records be kept of an employee's earnings or that employee be provided with a statement of earnings with each pay cheque. The statement should normally show your employee's gross and net pay, specific deductions, the purpose of those deductions, and the total hours worked (including overtime) in that pay period.

You are also required by law to give the employee a T4 form for the previous year by the end of February each year. The T4 form will show your employee's total gross earnings and total deductions for income tax purposes. Your employee will require the T4 to file his or her income tax return for each year.

DEDUCTIONS

You must deduct payments from the employee's pay for:

- Income tax
- Unemployment insurance
- Canada Pension Plan

You must remit these deductions to the appropriate government agencies on a regular basis.

ROOM AND BOARD

Charges for meals eaten by your employee outside your home cannot be deducted from pay. Room charges, however, are calculated on a weekly or a monthly basis, depending on the terms of the contract. Whether you may directly deduct room and board from your employee's paycheque may also be governed by provincial employment standards legislation.

Your employee is entitled to leave your home on days off.

ENDING AN AGREEMENT WITH AN EMPLOYEE

If your employee is unwilling or unable, without just cause, to perform the job as stated in the contract, and you no longer wish to employ the caregiver, you can terminate the contract. However, you may have agreed in the contract, or the law may require you, to give notice of termination. When you cannot give the employee the appropriate notice, you can pay the employee for the period the notice would have covered. Regardless of whether the law or your contract requires you to give notice or pay in lieu of notice, you may be liable for it under common law.

You are required to notify the CEC if you no longer need the services of your caregiver.

Please remember that if you abuse the terms of the work agreement, you will have difficulty hiring a live-in caregiver under the program again. If you need to find a replacement for your employee, you must follow the same application procedure under the program as before.

When can I, as a live-in caregiver, sponsor my dependents to come to Canada?

All your dependents living in Canada and abroad may be included on your application for landing in Canada. This means that their application for landing will be processed at the same time as yours. However, all your dependents, both in Canada and abroad, must pass medical and background checks. After all requirements have been met, you and your dependents in Canada will be invited to the Canada Immigration Centre nearest your home to be given permanent resident status. A visa officer will then issue immigrant visas to your dependents living outside Canada who were included on your application. Your dependents can then come to Canada to be landed on their arrival.

How much should I, as an employee, be paid if I am asked to work extra hours or during a day off?

The amount should be based on standards set by your provincial or territorial department of labor under employment standards legislation. You should be paid according to the law on overtime pay or as specified in your contract if the amount in the contract is higher.

Can I refuse to work for personal or religious reasons?

There should be a clear understanding in the contract of the hours you are required to work and your time off, including holidays and vacations. Requirements for time off deal with special needs should be cleared with your employer before signing a contract. You have the right to refuse duties that are not in your contract.

I am already working as a live-in domestic under the Foreign Domestic Movement Program. Can I still apply for permanent resident status?

If you are already in the program in Canada, you can still apply for permanent resident status after you have worked as a live-in caregiver for two years. You will be assessed on the same criteria as an LCP participant.

A number of companies in the Philippines have developed a “six-month caregiver course”. The Canadian government does not accredit or certify any of these companies. They are in no way “affiliated” or “recognized” by the Canadian government or the Embassy of Canada.

In order to qualify, this training must be completed as part of formal education taken at an institution accredited by local educational authorities. In the Philippines, TESDA (Technical Education and Skills Development Authority) is the “local authority”. Students should verify that the company is accredited by TESDA.

Also, the total number of hours taken must equal or exceed the equivalent of six months full time training. We have defined that to be a minimum of 25 weeks in duration and a minimum of 30 hours per week in classroom lectures. The guidelines also state that the training has to have been “completed in classroom setting and does not include activity assignments. The intent is that hours spent working cannot be credited as hours spent training.” Therefore, time spent taking “on-the-job” training or spent in “practicums” does not count within the 25 weeks, even though this may be a TESDA requirement. Also, evening and weekend classes are not recognized as being “full-time”.

The following documentation must be submitted together with a completed application form:

1. NON-REFUNDABLE processing fee of CAN \$150 / P6,600. Please note that due to currency fluctuations, the peso equivalent of the fees can change on short notice.
Effective MAY 16, 2005, PAYMENT must be by CERTIFIED CHEQUE, MANAGER’S CHEQUE, POSTAL MONEY ORDER OR BANK DRAFT payable to the “Canadian Embassy, Manila”. Cash will not be accepted.
2. A Completed Application for a Work Permit & Educational and Work History Form.
3. Four (4) recent passport-sized Photographs
4. A recent NBI clearance marked “Visa-Canada”
5. Original records of your education after high school (successful candidates must have completed studies that are equivalent to successful completion of Canadian secondary school. In the Philippines this means successful completion of high school plus at least two years of post-secondary education in which at

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6. Least 72 credits have been obtained. This is required because high school diplomas in the Philippines are normally obtained after a total of 10 years schooling.)
 7. Proof of successful completion of at least six months of full-time training in a classroom setting in a field or occupation related to the job offered in Canada or one year of full-time paid employment within the last three years, including at least six months of continuous employment with one employer in a job related to the prospective employment in Canada.
 8. Letters of reference from present or past employers, which detail your duties.
 9. If destined to Quebec, a Certificat d'acceptance du Quebec.

DOCUMENTARY REQUIREMENTS FOR REGISTRATION OF EMPLOYMENT CONTRACTS

1. Valid Passport
2. Verified individual employment contract
3. Employment visa, work permit, or equivalent document
4. Certification of medical fitness by a POEA-DOH accredited medical clinic
5. Certificate of attendance to the required pre-departure orientation seminar
6. Duly accomplished OFW information sheet

PAYMENT OF FEES:

POEA Registration Fee	or peso equivalent
OWWA Contribution	US\$ 45 or peso equivalent
Medicare Fee	
US\$ 100	PHP 5000

BREAKDOWN OF OTHER FEES*

Canadian Embassy Processing Fee	CDN\$ 150 or peso equivalent
Medical Examination	CDN\$ 100 or peso equivalent
Travel Insurance	approx. PHP 1,000 (good for 3 months)
One-way Ticket	approx. PHP 35,000

* Rates are always subject to change