

LIVE-IN CAREGIVER PROGRAM

EMPLOYER CHECKLIST

This checklist is intended to assist you with your application. An incomplete submission will result in delayed processing or a rejection of the application. Ensure that **ALL** of the following information is included with your submission.

Please return this checklist with your application.

	✓	Requirements
1.		Original , completed and signed Application for a Foreign Live-in Caregiver (EMP5093).
2.		Proof of recruitment efforts.
3.		Results of recruitment efforts, including the reasons why the candidates were considered to be unsuitable for the position.
4.		Does the Live-in Caregiver reside in Canada? If yes, please ensure that the Country of Residence on the application is filled out as Canada and that their immigration status is indicated.
5.		If you are using the services of a third party representative, please include the original signed Appointment of Representative form.
6.		Please ensure that the wage/salary meets the wage guidelines included with the Live-In Caregiver package.
N.B.		Please do NOT include a copy of the Employer-Employee Contract (included with this package). The completed original must be sent to the foreign live-in caregiver as it is now a mandatory component of the Immigration Selection Process.

Do not submit your application until you are able to provide all of the above information. Failure to provide a complete submission will result in delayed processing and possible rejection of the application.

PLEASE NOTE: Points 2 & 3 are not required if the caregiver is already in Canada under a valid Work Permit (formerly Employment Authorization).

Please ensure that you sign the Application to hire a Foreign Live-In Caregiver.

Date: _____ Signature: _____

THE FOREIGN LIVE-IN CAREGIVER PROGRAM

It is recognized that within Canada, there exists a labour market need for live-in caregivers and that there is a shortage of Canadians (Canadian Citizens and Permanent Residents) willing to provide live-in care work to fill these positions. In response to this need, the Live-In Caregiver Program was established to facilitate the entry to Canada of foreign live-in caregivers. A live-in caregiver is a person who is qualified to provide continuous, full-time, unsupervised care for children, the elderly or persons with disabilities in a single private household.

GUIDELINES:

Before you apply to hire a foreign live-in caregiver, please note that the live-in caregiver must:

- Work with you in a private home;
- Live with you, the employer;
- Be provided with a private, furnished room within the home;
- Be employed on a full-time basis;
- Meet Citizenship and Immigration Canada's requirements for language, education and work skills necessary to function in the Canadian labour market.

A caregiver **cannot**:

- Work for more than one employer at a time
- Work for a health agency or labour contractors, or in day care or foster care.

HIRING STEPS:

When hiring a foreign live-in caregiver, you must:

- 1) Complete and submit a Live-In Caregiver application for a labour market opinion to the HRSDC Foreign Worker office responsible for your area.
- 2) HRSDC will assess the Live-In Caregiver application and give a labour market opinion based on the information provided. This opinion is contingent upon local labour market conditions at the time of the application, the Caregiver's job responsibilities, whether the wages/working conditions are competitive, and whether the employer has made reasonable and documented efforts to hire Canadian Citizens, Permanent Residents or foreign caregivers already in Canada under the Live-In Caregiver Program.
- 3) If HRSDC confirms your job offer, you then send a copy of the HRSDC confirmation letter to the foreign live-in caregiver. Tell the foreign live-in caregiver to apply for a work permit from Citizenship and Immigration Canada. With their work permit application, they must include a copy of the HRSDC confirmation letter and the Live-In Caregiver Employer-Employee contract.
- 4) Citizenship and Immigration Canada will then determine whether or not the foreign national may work in Canada.

***** An HRSDC Confirmation does not automatically ensure that Citizenship and Immigration Canada will issue a Work Permit.**

CONTACT INFORMATION:

Please keep pages 1-5 for your records. Mail your completed and signed original application, including all the necessary supporting documents to:

**Foreign Worker Programs – LCP
P.O. Box 6500
Toronto L.C.D. Downsview A
M3M 3K4**

Phone: 416 954-3111 or Toll Free 1-866-556-5518

RECRUITMENT

Employers must prove that they have made reasonable efforts to recruit qualified Canadians (Canadian Citizens and Permanent Residents), those legally entitled to work in Canada or caregivers already in Canada under the program before applying to hire a foreign live-in caregiver. Demonstrating comprehensive recruitment efforts to attract Canadians in newspapers, recognized Internet job banks, job-specific publications, etc. before making offers to foreign caregivers will help your application. Clearly presenting wages offered and job duties required for the position in your advertisement will also help HRSDC in making a decision. It is also important to document your recruitment efforts, detailing who applied and the reasons they were considered unsuitable for the position.

1. Networking with colleagues, friends, family, or other caregivers.
2. Posting notices in community colleges, university placement centres, ECE Schools.
3. Placing a job order with HRSDC, call 416-952-4473 or 1-800-263-8364.
4. Posting notices in grocery stores, libraries, community centres.
5. Advertise in local daily newspapers.

An employer may not request qualifications which Canadians and Permanent Residents do not normally possess.

WAGE RATES

<u>LOCATION OF CAREGIVING</u>	<u>HOURLY RATE</u>
Greater Toronto Area	\$9.00 per hour
Outside the Greater Toronto Area	\$8.00 per hour

DEDUCTIONS FOR ROOM AND BOARD

The **maximum** deduction for room and board is set by the Ontario Provincial Government. At this time the maximum deductions for room and board are \$85.25 per week gross or \$369.42 per month gross. Please be advised that the employer must provide the foreign worker with private, furnished accommodation in the employer's home.

EMPLOYER-EMPLOYEE CONTRACT

Employers are required to prepare and complete a contract for Citizenship and Immigration Canada outlining details about duties, responsibilities, wages and working conditions. A sample contract is provided in this package. Please note that **Citizenship and Immigration Canada** expects the live-in caregiver to submit a copy of the completed contract signed by you, the employer, and the live-in caregiver when they apply for a work permit.

Please be aware that in addition to the employer-employee contract, foreign live-in caregivers, like Canadians, are also covered by provincial labour and workplace safety legislation.

FOREIGN LIVE-IN CAREGIVER APPLICATION

When you have reviewed the information and are prepared to submit your application, be sure to include documentation showing your recruitment efforts. You can expect your application to be assessed within 15 working days of the receipt of a complete submission. **However, missing information will delay this processing time.** If your application is approved, you will be issued a confirmation letter by HRSDC. In the event that your application is refused, you will be notified in writing with an explanation of the decision. **N.B.** If an Agency or Third Party is acting on your behalf, an original Appointment of Representative form (included in this package) must be completed and returned with your application.

***** Please type or legibly print the application**

TIPS ON COMPLETING APPLICATION FORM

GROSS WAGE: Traditionally caregivers will negotiate for a net monthly wage. **HRSDC requires the gross hourly rate for application assessment.** (Please note that as per Ontario Ministry of Labour's Employment Standards overtime must be paid at time and a half for work over 44 hours per week).

SPECIFIC QUALIFICATIONS: This does not mean the current qualifications of the prospective caregiver. It refers to special characteristics or qualifications required in connection with the caregiver's duties.

HOURS OF WORK: Specify core hours of work or indicate if the caregiver will work shifts. Do not describe hours as "flexible". It is important to remember that caregivers cannot be on call on a 24-hour basis. According to the Ontario Employment Standards, the caregiver is considered to be working if he or she is required to be on the premises.

DAYS OFF: As per the Ontario Employment Standards, the caregiver must get two free periods each week. One period of 36 hours in a row and one period of 12 hours in a row. Normally, the two periods are taken together for 48 hours off at one time.

VACATION PAY:

In accordance with Ontario Employment Standards, after working for 12 full months the caregiver is entitled to a minimum of two weeks paid vacation per year and the vacation pay must be at least 4% of the worker's gross pay before any deductions.

PAID SICK LEAVE: There are no specific regulations in the Ontario Employment Standards Act for this. You may wish to negotiate with your prospective caregiver what would be reasonable paid sick leave.

EMPLOYER CONTACTS AND OTHER INFORMATION

HUMAN RESOURCES AND SKILLS DEVELOPMENT CANADA (HRSDC)

Human Resources and Skills Development Canada (HRSDC) assesses an employer's offer of employment to a prospective foreign live-in caregiver. This is a function separate from the role played by Citizenship & Immigration Canada (CIC), which assesses the qualifications of the foreign worker. HRSDC deals only with the employer and the job offer. For more details about HRSDC's role, please consult the following website:

www.hrsdc.gc.ca/en/epb/lmd/fw/lcp.shtml

CITIZENSHIP AND IMMIGRATION CANADA (CIC)

For questions related to work permits, the assessment of the foreign worker, or any other immigration related questions please contact Citizenship and Immigration Canada at:

1-888-242-2100 or www.cic.gc.ca

MINISTRY OF LABOUR (EMPLOYMENT STANDARDS)

The Ontario Ministry of Labour Employment Standards Act applies to employers of caregivers in Ontario. The Act outlines information regarding hours of work, minimum wage, room and board, overtime, statutory civic holidays, vacation pay, etc. For more information please contact:

416-326-7160 or **1-800-531-5511**
http://www.gov.on.ca/LAB/english/es/factsheets/fs_domestics.html

CANADA REVENUE AGENCY (CRA)

It is the Employer's responsibility to register with CRA and obtain a taxation number under which Canada Pension Plan, Employment Insurance and Income Tax are to be remitted. The Employer is responsible for remitting both their own payroll contributions and those of the caregiver.

1-800-959-5525 or at www.cra.gc.ca

WORK PLACE SAFETY AND INSURANCE BOARD (WSIB)

As an employer, it is mandatory that you register with the WSIB within 30 days of hiring a Caregiver. For more information please contact:

1-800-387-0750 or www.wsib.on.ca

ONTARIO HEALTH INSURANCE PLAN

Please contact OHIP regarding the caregiver's OHIP eligibility at:

1-800-268-1154 or www.health.gov.on.ca