



NEW PROTECTIONS FOR LIVE-IN CAREGIVERS

KNOW YOUR

RIGHTS
SERIES

EFFECTIVE MARCH 22nd 2010

Many live-in caregivers working through the Federal Live-in Caregiver Program have reported paying fees to recruiters, agencies or to employers to get a job in Canada. Some live-in caregivers have had their passport or other personal property taken by a recruiter or employer.

Recruitment fees are now illegal

It is illegal for recruiters or recruitment agencies to charge live-in caregivers a recruitment or placement fee for finding work. It is also illegal for recruiters or recruitment agencies to charge you for other services related to finding work (for example resume writing or immigration services). It is illegal for employers to charge live-in caregivers for recruitment fees. Employers cannot charge you for fees they have paid to a recruitment agency.

Employers and recruiters cannot hold your passport or other property

It is illegal for an employer or recruiter to take possession of a live-in caregiver's property, including documents such as passports or health cards.

It is illegal for an employer or recruiter to penalize you for enforcing your rights

Live-in caregivers can make a complaint to the Ministry of Labour if they feel an employer or recruiter has charged an illegal fee, or held their personal property illegally. Under the law it is illegal for an employer or recruiter to penalize you for making a complaint or trying to enforce your rights under this law.



PROTECT YOURSELF

I was charged a fee from a recruitment agency to get a job as a caregiver. What should I do?

- Gather proof. Keep all documents that you receive from the recruitment agency, such as any written agreement or contracts. Keep evidence of your payment of the fee, such as copies of cheques, money transfers or bank statements.
- Write a letter to the recruiter asking them to pay the money they owe you. Give the recruiter a deadline. Get support from the organizations listed below for ideas about how to write this letter.
- Make a complaint to the Ministry of Labour. You can make a complaint to the Ministry of Labour up to 3.5 years after the fee was charged. You can get help making a complaint through the Ministry of Labour's Information Line at 1-800-531-5551.

I don't feel safe making a complaint right now. Can I wait until I have completed the 24-month requirement and applied for permanent residency status?

- Yes, you can wait. You have up to 3.5 years to make a complaint to the Ministry of Labour against a recruiter or employer for illegal fees. Keep copies of all documents to ensure you will have proof.
- It is illegal for a recruiter or employer to penalize you or fire you for making a complaint or speaking about your rights – but many workers get fired when they speak out. Get support to make a plan if you don't feel safe taking action right now.
- Remember, if you are owed unpaid wages or overtime, you must make a separate Employment Standards complaint to the Ministry of Labour within 6 months of when the amounts are owed to you. Call the Workers' Action Centre for help calculating any unpaid wages and making a plan.

My employer is holding my passport. What can I do?

- Get support to make a plan. Call one of the organizations below.
- If you feel safe, ask your employer to return the passport. Write a letter to the employer and keep a copy to have proof of your request.
- Make a complaint to the Ministry of Labour. You can get help making a complaint through the Ministry of Labour's Information Line at 1-800-531-5551.

If you have left your job and do not feel safe approaching your employer alone, you can ask a friend or supporter to accompany you to collect your belongings. You may also ask the help of the police to accompany you along with your friend or supporter.

I paid a fee to a recruiter before March 22, 2010. Do I have any rights?

- Unfortunately the new protections only apply as of March 22, 2010. Prior to this date, it was not illegal for recruiters or employers to charge caregivers recruitment fees.
- Call one of the organizations listed below. We may still be able to support you to get your fee returned.

GET SUPPORT

Workers' Action Centre

416-531-0778 or www.workersactioncentre.org
All calls are confidential

Caregivers' Action Centre

cac_support@hotmail.com or call c/o WAC 416-531-0778

Caregivers Connections Education & Support Organization

(416) 656-5778 or caregiverconnections.tumblr.com

Ministry of Labour

Toll Free 1-800-531-5551 or www.labour.gov.on.ca



416-531-0778 | info@workersactioncentre.org
www.workersactioncentre.org

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