



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IP 4

Processing live-in caregivers in Canada

Canada

IP 4 Processing live-in caregivers in Canada

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Updates to chapter

Listing by date

2015-11-05

The information that was contained in the following sections can now be found in the program delivery instructions (PDIs) on permanent residence:

- Section 5.2 – Humanitarian and compassionate (H&C) applications
- Section 5.6 – Eligibility for permanent residence
- Section 5.7 – Quebec applicants
- Section 9 – Processing applications for permanent residence
- Appendix A – Sample letter – Live-in caregiver “approved-in-principle”
- Appendix B – Sample letter – Procedural fairness
- Appendix C – Sample letter – Refusals

2011-01-19

Changes have been made throughout the chapter to reflect regulatory amendments to the Live-in Caregiver Program which came into force on April 1, 2010, and to reflect a series of administrative changes which were implemented in the period of April – August 2010.

Specifically, the following updates have been made:

- Section 1 – Updated this section to clarify purpose of this chapter and include a cross reference to the related overseas processing manual.
- Section 2 – Updated this section to reflect regulatory amendments.
- Section 3 – Updated regulatory and form references in this section.
- Section 4 – Updated this section to reduce level of detail in favour of a cross reference to the authoritative manual chapter on designations and delegation of authority.
- Section 5 – Updated this section to reflect regulatory amendments, new employment contract requirements, and to generally enhance the level of detail with respect to key elements of departmental policy.
- Section 6 – Updated this section to ensure definitions accurately reflect wording of current Regulations.
- Section 7 – Updated this section to reflect new contract requirements and outline roles and responsibilities in processing employment contracts.
- Section 8 – Updated this section to clarify general procedures for the issuance or renewal of work permits and to incorporate new instructions regarding the issuance of “emergency” work permits to live-in caregivers in abusive workplace situations.
- Section 9 – Updated this section to reflect regulatory amendments, generally enhance the level of detail throughout, and to incorporate new instructions regarding medical examinations in accordance with administrative changes.
- Section 10 – Updated this section to reflect CPC-V responsibilities towards the applicant for the permanent residence
- Appendix A – Update to “approved-in-principle” sample letter.
- Appendix B – Update to sample procedural fairness letters reflecting regulatory changes.
- Appendix C – Update to sample refusal letters reflecting regulatory changes.
- Appendix D – Update to fact sheet on employment standards legislation with updated links to provincial/territorial websites.
- Appendix E – Update to provincial and territorial employment standards contact information.

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- Appendix F – Update to counselling fact sheet reflecting regulatory amendments.

2009-06-25

Changes have been made to reflect instructions previously published in [OB 025](#) of January 3, 2007, concerning non-accompanying family members who wish to become accompanying. They affect in particular the following sections of the chapter:

- Section 9.2 – Applications
- Section 9.13 – Processing of family members

2008-04-24

Section 6.3 was amended to provide an accurate link to the definition of a “family member.”

2007-11-30

Section 9.5 was updated to clarify that acceptable evidence of two year’s employment **MUST** include ALL documents listed. As well, a new document requirement was added: a letter from the current employer showing the start date and confirming the applicant’s status as currently being employed.

The “Updates to chapter” section was created.

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1 What this chapter is about

This chapter describes the processing in Canada of applications for renewal of work permits (same employer), applications for new work permits (new employer/employer move to a new province/territory), applications for study permits and applications for permanent residence, under the Live-in Caregiver Program (LCP).

Procedures related to overseas processing of initial work permit applications under the LCP, and the overseas processing of applications for permanent residence from live-in caregivers' family members living outside Canada, are described in the [OP 14 – Processing Applicants for the Live-in Caregiver Program](#) chapter.

2 Program objectives

Citizenship and Immigration Canada (CIC) established this program to meet a labour market shortage of live-in caregivers in Canada, while providing an avenue for certain individuals to work and eventually apply for permanent residence from within Canada.

The LCP brings qualified temporary workers to Canada to provide in-home child care, senior home support care or care of the disabled. The LCP allows applicants to apply for permanent residence from within Canada after being employed full-time as a live-in caregiver for at least 24 months *or* a total of 3,900 hours in a minimum of 22 months within the four years immediately following their entry into Canada under the LCP.

3 The Act and Regulations

References in the *Immigration and Refugee Protection Regulations* (IRPR) to the Live-in Caregiver Program.

For more information about	Refer to
Authorization for application for permanent residence in Canada	R72
Definition of live-in caregiver	R2
Medical examination requirements for live-in caregivers in Canada	R30(2.1)
Live-in caregiver class	R113
Requirements for work permit	R111, R112
Application for permanent residence in Canada	R113
Requirements for family members	R114
Conformity – applicable times	R115
Study without a work permit: short-term courses	R188
Application in Canada for work permit	R207
Application in Canada for study permit	R215

Note: With respect to R115, it is important to note that not all requirements set out in sections 112 to 114.1 of the *Regulations* will apply to each situation or point in time.

3.1 Forms

Form Title	Form Number
In-Canada Application for Permanent Resident Status	IMM 5002E
Document Checklist – Live-in Caregiver	IMM 5282E

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Form Title	Form Number
Live-in Caregiver – Employer Declaration of Hours Worked	IMM 5634E
Application to Change Conditions, Extend My Stay, or Remain in Canada	IMM 1249E

4 Instruments and delegations

Section 6 of the *Immigration and Refugee Protection Act* (IRPA) authorizes the Minister to designate officers to carry out specific powers and to delegate authorities. It also states those ministerial authorities that may not be delegated, specifically those relating to security certificates or national interest.

Under IRPA, the Minister of Citizenship and Immigration has delegated powers and designated those officials authorized to carry out any purpose of any provisions legislative or regulatory in instrument [IL 3 – Designation of Officers and Delegation of Authority](#).

5 Departmental policy

5.1 Responsibility for processing outside Canada

To participate in the LCP, a foreign national must make an application for an initial live-in caregiver work permit at a Canadian visa office abroad.

Visa offices are responsible for the initial selection process and issuance of initial work permits to live-in caregivers under the LCP. Visa offices are also responsible for processing permanent residence applications overseas for family members of live-in caregivers who have applied for permanent residence from within Canada.

Visa officers overseas generally issue the initial work permit under the LCP for a duration of four years plus three months when consistent with other considerations, such as employer need and passport validity. This general practice serves to minimize subsequent in Canada work permit applications.

5.2 Responsibility for processing in Canada

The Case Processing Centre in Vegreville (CPC-V), Alberta is responsible for processing applications in Canada under the LCP for:

- new work permits (new employer/employer move to a new province/territory);
- work permit renewals (same employer);
- study permits; and
- permanent residence.

Role of CIC inland offices

Local CIC offices play a role in processing complex or exceptional LCP cases. CPC-V will refer cases to a CIC inland office if an interview is warranted or if there is suspected misrepresentation, serious criminality or security concerns, as described in A34, A35, A36(1), A37 or A40.

CPC-V issues all correspondence to applicants with respect to LCP applications which they process. Cases referred to CIC inland offices by CPC-V for processing are concluded, and the appropriate correspondence is issued to applicants, by the responsible inland office.

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Given that the vast majority of LCP applications made from within Canada are processed by the CPC-V, this chapter focuses on standard processing procedures as they generally apply to CPC-V and does not detail processing procedures which may apply to, and deviate between, CIC inland offices.

Humanitarian and Compassionate (H&C) applications

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

5.3 Issuance or renewal of work permits in Canada

Work permits are generally issued to match the duration of the job offer and Labour Market Opinion (LMO) issued by Employment and Social Development Canada (ESDC)/Service Canada, and the Certificat d'acceptation du Québec (CAQ) issued by the Ministère de l'Immigration et des Communautés culturelles (MICC) for live-in caregivers in Quebec, unless there are other factors which would restrict the duration for which a work permit may be issued (e.g., passport validity). The officer assessing the application retains discretionary power with respect to the validity period of LCP work permits and may set aside the general issuance policy where, in their opinion, circumstances warrant.

The total duration of all LCP work permits (added together) should not exceed four years and three months. The four-year period gives live-in caregivers sufficient time to meet the employment requirements of the LCP while allowing flexibility to compensate for periods of unemployment, illness, vacation or maternity leave. The additional three months affords caregivers a transition period during which they may apply for permanent residence.

Live-in caregivers must apply to CPC-V for a renewal of their work permit as required before it expires in order to ensure that their temporary status as a worker continues under the same conditions until their application is processed and they have been notified of the decision (implied status).

Live-in caregivers may change employers but must obtain a new work permit, with a validated job offer in the form of a positive/neutral LMO from ESDC/Service Canada, a CAQ if applicable, and a new employment contract, *before* working for the new employer. For live-in caregivers in Quebec, ESDC/Service Canada and the MICC jointly assess and render a decision on LMO applications.

If the live-in caregiver continues to work for the same employer, there is no need for a new LMO but a CAQ is required for live-in caregivers in Quebec. A letter from the employer stating that the live-in caregiver will continue to be employed on a full-time basis is sufficient. The employer and caregiver must also sign a new or extended employment contract.

If the live-in caregiver's employer moves to a new province/territory, they must obtain a new work permit, with a validated job offer in the form of a positive/neutral LMO from ESDC/Service Canada, a CAQ if applicable, and a new employment contract, *before* working for their employer in the new location.

If the live-in caregiver's employers divorce and both employer's names are on the work permit, a new work permit is not required. The caregiver should simply send a letter to CPC-V to advise of the change. However, should the employer divorce, or one of the employers is deceased and only one name is listed on the work permit, the caregiver must obtain a new work permit and a new LMO/CAQ would be required for the employer not listed *before* the caregiver could work for that person.

Live-in caregivers must continue to meet the requirements of the LCP in order to be eligible for a new work permit or a work permit extension under the LCP.

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Live-in caregivers may not accept any other type of employment without a valid work permit. Any time that a live-in caregiver works outside the home of an employer under the LCP on a non-LCP work permit will not count towards the period of employment required to be eligible for permanent residence as a live-in caregiver. Officers will assess applications for non-LCP work permits (for example, to work part-time in a restaurant) from live-in caregivers who hold a valid LCP work permit on a case by case basis in the context of whether the officer is satisfied that the live-out employment will not compromise the caregiver's ability to continue to meet their full-time responsibilities as specified in their LCP employment contract.

Live-in caregivers can only work under the LCP for the employer(s) named on their work permit. They may not work in a caregiving capacity for anyone other than the person(s) identified on their LCP work permit at any one time. In doing so, a live-in caregiver risks losing their status in Canada and being disqualified from the program.

Note: For live-in caregivers in Quebec, the total duration of all work permits (added together) should not exceed four years as this is the maximum period for which the MICC will issue a CAQ for live-in caregivers.

5.4 Mandatory employment contract

An employment contract between employer and live-in caregiver, outlining the terms and conditions of employment, is a legal requirement of the LCP and must be provided to CPC-V as part of an application for a new work permit or a work permit renewal under the program. The employment contract must be signed by both the employer and the live-in caregiver.

The live-in caregiver position being offered must be full-time and all terms and conditions outlined in the employment contract must, by law, abide by provincial/territorial employment standards and labour laws. Housework, cleaning or other similar domestic duties, such as food preparation, may be allowable as a small proportion of the overall duties, and when clearly related to the duties of caring for the individual(s), however cannot be the primary duty.

For all LCP LMO applications received by ESDC/Service Canada on or after April 1, 2010, and for all work permit applications received by CIC that are based on these LMOs, the signed written employment contract between live-in caregivers and their employers must demonstrate that LCP requirements are met by including a description of:

- Mandatory employer-paid benefits, including:
 - Transportation to the location of work in Canada,
 - Medical insurance coverage provided from the date of the live-in caregiver's arrival until he or she is eligible for provincial health insurance,
 - Workplace safety insurance coverage for the duration of employment,
 - All recruitment fees, including any amounts payable to a third-party recruiter or agents hired by the employer that would otherwise, have been charged to the live-in caregiver;
- Job duties which clearly demonstrate that the employee's primary duty will be live-in caregiving;
- Hours of work;
- Wages;
- Accommodation arrangements (including, where applicable, room and board);
- Holiday and sick leave entitlements;
- Termination and resignation terms.

A LCP employment contract template is available on the [Service Canada website](#). Employers and live-in caregivers are encouraged to use this contract template but are not obliged to do so. However, all employment contracts must contain the information and clauses specified in the LCP employment contract template. Any additional provisions must not conflict with provincial/territorial labour laws and

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employment standards. The use of an alternate contract format may delay processing of the LMO application as ESDC/Service Canada officers will have to do a thorough comparative assessment to determine if the contract is compliant with LCP requirements.

Note: For live-in caregivers in Quebec, the MICC has its own employment contract template reflecting Quebec provincial requirements under the LCP. The Quebec employment contract template is available on the [MICC website](#).

5.5 Validation of a job offer

Before a new work permit (change of employer/employer move to a new province/territory) may be issued to a live-in caregiver, the prospective new employer must apply to ESDC/Service Canada to have his or her proposed job offer reviewed and validated.

ESDC/Service Canada will assess the genuineness of the prospective employer's job offer and will review the employment contract to ensure that it includes all mandatory information and clauses. ESDC/Service Canada will assess whether the job offer and employment contract meets the requirements for wages and working conditions, the applicable provincial/territorial labour laws and employment standards and that there are not enough Canadians or permanent residents available to work as live-in caregivers in Canada. If ESDC/Service Canada finds the job offer acceptable, they will issue a positive or neutral LMO to the prospective new employer.

The live-in caregiver must include a copy of the positive/neutral LMO with their application to change employers and obtain a new work permit.

For more information about job offer validation and LMOs with respect to the LCP, please refer to the [ESDC/Service Canada website](#).

5.6 Eligibility for permanent residence

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

5.7 Quebec applicants

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

5.8 Parallel processing of family members

Live-in caregivers applying for permanent residence may request parallel processing for some or all of their family members living in or outside Canada. Family members living abroad may be processed concurrently at a visa office. If all admissibility requirements are met, the responsible visa office will issue permanent resident visas to eligible family members of live-in caregivers granted permanent residence from within Canada.

Once a live-in caregiver is a permanent resident, family members who are not processed concurrently may be sponsored as members of the family class, provided they were examined at the time of the live-in caregiver's application for permanent residence from within Canada.

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5.9 Responding to representations

The *Privacy Act* requires that information concerning clients must be released only to the client or a designated representative who is a Canadian citizen or permanent resident. Before responding to a representation made in person or in writing, the identity of clients or their representative must be confirmed.

6 Definitions

6.1 Family member

Per R1(3), the definition of “family member” in respect of a person means:

- the spouse or common-law partner of the person;
- a dependent child of the person or of the person’s spouse or common-law partner; and
- a dependent child of a dependent child referred to above.

6.2 Live-in caregiver

Per R2, a live-in caregiver is a person who resides in and provides child care, senior home support care or care of the disabled without supervision in the private household in Canada where the person being cared for resides.

7 Processing an employment contract

ESDC/Service Canada informs employers of the legal requirement to have an employment contract with their live-in caregiver.

Employers are required to:

- provide a signed employment contract to their prospective live-in caregiver;
- have the live-in caregiver sign the employment contract and return it to the employer; and
- provide a copy of the signed employment contract to ESDC/Service Canada along with their LMO application.

ESDC/Service Canada provides employers with information including, but not necessarily limited to, the following:

- acceptable wage standards;
- taxation;
- health insurance; and
- workers’ compensation and other employment issues.

Once a complete LMO application and signed employment contract are submitted to ESDC/Service Canada by the prospective employer, an ESDC/Service Canada officer reviews the application and employment contract. In assessing the offer of employment, the officer confirms:

- the need for live-in care;
- that the job offer is genuine;

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- the employer is offering wages and working conditions that meet provincial/territorial employment standards and labour laws;
- the job duties are those of a full-time live-in caregiver; and
- a reasonable search has been carried out by the prospective employer to identify qualified and available Canadian citizens or permanent residents and unemployed foreign caregivers already in Canada.

If satisfied that the offer of employment meets the assessment criteria, the ESDC/Service Canada officer issues a letter confirming a positive/neutral LMO to the prospective employer. If the LMO application is rejected, the ESDC/Service Canada officer issues a refusal letter to the prospective employer.

Employers are informed by ESDC/Service Canada that their prospective live-in caregiver must submit a copy of the signed employment contract to the CPC-V as part of the documentation required for the work permit application. ESDC/Service Canada also instructs the employer to send a copy of the LMO confirmation letter to the live-in caregiver.

Details of the LMO are recorded in the ESDC Foreign Worker System (FWS) and job validation information is available to CPC-V through the FOSS-FWS link.

Note: For prospective employers in Quebec, ESDC/Service Canada and the MICC jointly assess the LMO application against federal and Quebec LCP requirements. If satisfied that the offer of employment meets the assessment criteria, ESDC/Service Canada will issue a letter to the prospective employer, jointly signed by the MICC, confirming a positive or neutral LMO. If ESDC/Service Canada and the MICC jointly render a negative decision on the LMO application, ESDC/Service Canada will issue a refusal letter to the prospective employer.

8 Procedures for issuance and renewal of work and study permits

8.1 Applications for work permits

Live-in caregivers already in Canada must apply for:

- a work permit renewal before the expiry of their current work permit;
- a new permit if they change employers or if their employer moves to another province/territory.

Applicants must submit a complete [Application to Change Conditions, Extend My Stay, or Remain in Canada](#) (IMM 1249) to CPC-V. Applicants may request the application kit by mail by contacting the CIC Call Centre or may download it from the CIC website.

Note: Proof of fee payment at a financial institution and a copy of the new or extended employment contract (signed by both the employer and live-in caregiver) must be submitted with the application.

8.2 Requirements for issuance of work permits

Scenario	Applicant must provide:	CPC-V must:
Live-in, full-time caregiver: <i>If same employer</i>	1. Letter from the current employer stating that the live-in caregiver will continue to be employed on a full-time basis. 2. Copy of a new or extended employment contract signed by	1. Assess whether applicant continues to meet the definition of a live-in caregiver, (i.e., full-time, live-in employment as a caregiver). 2. Verify that the employment contract contains required information (see

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Scenario	Applicant must provide:	CPC-V must:
	<p>the employer and live-in caregiver.</p> <p>No need for a new LMO.</p> <p>A CAQ is required for applicants in Quebec.</p>	<p>section 5.4 for details).</p> <p>3. Verify that the applicant has submitted a CAQ with their application, if applicable.</p>
<p>Live-in, full-time caregiver: <i>If change of employer or if current employer is moving to a different province/territory</i></p>	<p>1. Copy of a new LMO and, for applicants in Quebec, a CAQ.</p> <p>2. Copy of a new employment contract signed by the employer and live-in caregiver.</p>	<p>1. Check FOSS-FWS link for record of a positive/neutral LMO.</p> <p>2. Verify that the employment contract contains required information (see section 5.4 for details).</p> <p>3. Verify that the applicant has submitted a CAQ with their application, if applicable.</p>

8.3 If all requirements are met

CPC-V issues a new/extended work permit and enters the “LCP” code in the special program box.

8.4 If all requirements are not met

CPC-V will refuse the application.

Note: If a more in-depth assessment is required in order to render a decision on a given application, the case should be referred to a CIC inland office.

8.5 Bridge extension: Live-in caregiver is between jobs

If a live-in caregiver’s work permit is about to expire and they are between jobs and have not yet found a new employer under the LCP, CPC-V may issue an interim work permit to bridge the gap. This interim work permit allows a caregiver to remain in Canada legally but does not authorize them to work for a new employer. Live-in caregivers may submit an application for a bridge extension using the [Application to Change Conditions, Extend My Stay or Remain in Canada](#) (IMM 1249). Cost recovery fees apply.

The bridge extension should:

- have a maximum duration of two months;
- show the most recent employer;
- include “bridge extension” in Remarks.

If the bridge extension expires before the applicant finds a new job/employer and is eligible to apply for a new work permit under the LCP, CPC-V should assess the reasons for the continued unemployment on a case by case basis and may decide to refer the case to a CIC inland office for a more in-depth examination.

Note: Bridge extensions are LMO and CAQ exempt.

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8.6 Issuance of “urgent” or “emergency” work permits

“Urgent” work permits

Live-in caregivers who are changing employers and are urgently required to provide care to an elderly or disabled person may be eligible for urgent processing of their LCP work permit application provided all required documents are submitted with the application, including proof of the urgency in the form of a doctor’s note or a letter from the prospective employer explaining why urgent care is required.

Refer to [OB 195 – Emergency referrals to local offices](#) for further information regarding processing of LCP work permits on an urgent basis.

“Emergency” work permits

Live-in caregivers who are victims of abuse by their employer or someone in the employer’s home may be eligible for emergency processing of their LCP work permit application. In such cases, concurrent processing of the prospective new employer’s LMO application by ESDC/Service Canada, CAQ application by MICC where applicable, and the LCP work permit application by CIC on an emergency basis will facilitate the quickest possible transition to a new employer.

Abusive situations, for the purposes of emergency work permit processing under the LCP, would include any intentional physical contact that causes harm, physical violence such as assault or sexual assault and psychological abuse such as threats or intimidation.

8.7 Refusal of an application for a work permit

Reasons for refusing a work permit application under the LCP must be well documented and provided to the applicant. Refusal of a work permit application from a live-in caregiver means that the person may be disqualified from applying for permanent residence in Canada under the LCP.

Should the refused applicant request an extension of their temporary resident status, the officer should assess carefully their *bona fides* as a temporary resident.

If it appears that the person may not leave Canada, or has no means of support, or in some other way no longer qualifies for temporary resident status (e.g., worked without authorization), the request for an extension should be refused. For more information, see the [IP 6 – Processing Temporary Resident Extensions](#) chapter.

8.8 Issuance of study permits

Per R188, live-in caregivers may study without a study permit if the course or program of studies is six months or less.

Live-in caregivers who wish to take a course or program of studies more than six months in duration require a study permit.

Per R215, CPC-V may issue study permits to live-in caregivers because they hold work permits. Officers should enter the “LCP” code in the special program box of any study permits issued to live-in caregivers.

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9 Processing applications for permanent residence

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

10 Tracking the application

FOSS tracks the processing of applications for permanent residence through the Case Processing Support (CPS) module.

CPC-V staff:

- enter applications in the CPS module when they arrive at the CPC;
- enter the names of family members residing abroad in the *Remarks* section and complete the Y (yes) or N (no) box when the visa office provides results of overseas examination;
- indicate if the principal applicant is provisionally approved in the "approved-in-principle" field when the eligibility decision is made;
- enter the results and date when eligibility requirements are met.

When all requirements are met, CPC-V officers:

- enter the granting of permanent resident status;
- enter the closest CIC inland office to the client's residence as the office of issue for permanent residence documents.

According to local procedures, the CIC inland office will:

- print permanent residence documents as required;
- send a call-in notice or letter to the applicant.

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Appendix A Sample letter – Live-in caregiver “approved-in-principle”

This content has been moved as part of the Department’s efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

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Appendix B Sample letter – Procedural fairness

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

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Appendix C Sample letter – Refusals

This content has been moved as part of the Department's efforts to modernize operational guidance to staff. It can now be found in the program delivery instructions on permanent residence applications from live-in caregivers.

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Appendix D Fact sheet on employment standards legislation

Applicable to live-in caregivers or domestic workers

This fact sheet briefly outlines employment standards provisions applicable to live-in caregivers in each province and territory.

Although the *Live-in Caregiver Program* is run by the federal government, employment standards legislation pertaining to caregivers and domestics falls within provincial and territorial jurisdiction. Federal legislation (namely the *Canada Labour Code* and Regulations) applies only to certain specific sectors such as banking, interprovincial and international transportation, telecommunications, broadcasting, grain handling and uranium mines.

It should be noted that the provisions in provincial and territorial employment standards legislation and their scope may vary from one jurisdiction to another. This means that minimum working conditions prescribed by law are not identical across Canada for live-in caregivers or domestic workers (In several provinces, the law makes no distinction between live-in caregivers and the more general category of “domestic workers.”)

Under the *Immigration and Refugee Protection Act* and *Regulations*, employers and live-in caregivers must sign an employment contract that clearly defines the rights and responsibilities of both parties. The terms and conditions of the employment contract must by law be consistent with provincial/territorial employment standards and labour laws. In some provinces and territories, employment standards legislation does not, in whole or in part, apply to live-in caregivers. Where there is no minimum wage applicable in a particular province or territory, Employment and Social Development Canada (ESDC) determines the wage rate to be paid by employers. In some parts of the country, ESDC requires employers to pay wages higher than the minimum wage rate, based on the prevailing wage paid for this type of work.

For more information on employment standards and labour laws in provinces and territories, please consult the following websites. Please note that the following information is subject to change.

Also note that the ESDC website provides a table of regional wages, working conditions and advertisement requirements for the Live-in Caregiver Program:
www.esdc.gc.ca/eng/jobs/foreign_workers/caregiver/index.shtml.

Alberta

- Website: www.employment.alberta.ca/SFW/1224.html (available in English only)

British Columbia

- Website: www.labour.gov.bc.ca/esb/ (available in English only)

Manitoba

- Website: www.gov.mb.ca/labour/standards/

New Brunswick

New Brunswick's *Employment Standards Act* and *Regulations* do not apply to persons working in private homes. Therefore, live-in caregivers have no protection under provincial employment standards

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legislation, which makes it all the more important to clearly spell out the working conditions in the employment contract.

- Website: www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/labour.html

Newfoundland and Labrador

- Website: www.gov.nl.ca/lra/faq/labourstandards.html

Northwest Territories and Nunavut

- Website: <http://www.ece.gov.nt.ca/sections/employment>

Nova Scotia

- Website: novascotia.ca/lae/employmentworkplaces/

Ontario

- Website: www.labour.gov.on.ca/english/es/

Prince Edward Island

- Website: www.gov.pe.ca/index.php3?lang=E

Quebec

- Website: www.cnt.gouv.qc.ca/en/home/index.html

Saskatchewan

Saskatchewan's *Labour Standards Act* and *Regulations* do not apply in the same way to “care providers” as they do to domestic workers (these two categories have their own definitions). The minimum employment standards also vary depending on whether or not the employee lives with the employer.

- Website: ae.gov.sk.ca/ (available in English only)

Yukon Territory

Most provisions of the *Employment Standards Act* apply to domestics, including domestic homemakers. However, the Act does not cover sitters working in a private residence solely to attend to a child, or to a disabled, infirm or other person (*General Exemption Regulations*).

- Website: www.community.gov.yk.ca/es.html

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Appendix E Provincial and territorial employment standards – Contact information

If you have questions, difficulties or complaints regarding your employment as a live-in caregiver, you can call or visit the labour or employment standards branch for your province or territory. The counsellors at these offices will be able to answer questions you may have about your rights and help you if you are having any work-related difficulty with your employer. Sometimes you will hear a pre-recorded message when you call these numbers. Just stay on the line and follow the directions that you receive. If the recorded message does not answer your question, a counsellor will eventually come on the line. These numbers are used frequently, and it may take more than one try to get through. Be patient.

If you prefer, you can write to the office responsible for labour or employment standards in your province or territory. Just write a letter clearly indicating your question or concern and mail it to the address shown. Be sure to include your name and occupation (what you do) and how you can be reached (phone number and address). If it is important that you get assistance quickly, remember that calling is faster than writing. Do not hesitate to contact these people. They are here to help you.

Please visit the CIC website for further details: <http://www.cic.gc.ca/english/work/caregiver/arriving.asp>.

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Appendix F Counselling fact sheet

Important Information for Live-in Caregivers

The CIC website provides information on the rights of temporary foreign workers and the law: <http://www.cic.gc.ca/english/work/tfw-rights.asp>.

You must have a written employment contract signed by both you and your employer. The contract defines your job duties, hours of work, salary and benefits, such as overtime. The contract also reinforces your employer's legal responsibilities to you. This requirement helps provide a fair working arrangement between you and your employer, and provides both of you with a clear understanding of what is expected of you.

You should ask for a "pay slip" with each pay cheque that shows your deductions and net pay (pay after deductions).

If you are not happy with your job, you should tell your employer. A little flexibility on both sides is often enough to cause changes so that you are both happy. Some employers have waited a long time and may have paid agency fees to bring you to Canada. They will appreciate your honesty.

If you decide to change employers, you cannot begin work until you get a new work permit that names your new employer. Your new employer needs to get approval from Employment and Social Development Canada/Service Canada before you can get your new work permit and begin working for them.

The work permit you receive when you enter Canada may allow you to work in Canada as a live-in caregiver for up to four years plus three months. The date when your work permit expires is on the work permit. Even if you do not change employers, you need to renew your work permit as required before it expires. You should apply for an extension of your work permit in Canada at least three months in advance of the expiry date. This is your responsibility, not your employer's.

It is your responsibility to keep your legal documents (such as your work permit and passport) safe. You should not give them to anyone, even your employer. Although you may be asked to show these documents for verification (for example, your employer may ask to see your work permit), you should always keep them in your possession.

Under no circumstances can an employer have you deported from Canada. Your employer has no authority to hold your passport.

If you or someone else lied about your education, training or experience when you first applied in the Live-in Caregiver Program outside Canada, you could be disqualified from the program in Canada.

If you want to apply for permanent residence in Canada:

- you must work full-time as a live-in caregiver for at least 24 months or a total of 3,900 hours in a minimum of 22 months within the four years immediately following your entry into Canada under the Live-in Caregiver Program;
- you, your spouse and your dependent children must meet admissibility requirements and must not be going to an immigration inquiry (hearing) or be under an order to leave Canada. For example, if you marry a refugee claimant in Canada, the status of your spouse could prevent you from obtaining permanent resident status;
- you must live in the home of the person(s) for whom you have been hired to provide care or you cannot continue to work in the Live-in Caregiver Program, and you cannot apply for permanent residence; and

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- you must maintain your temporary resident status and have a valid work permit as a live-in caregiver at the time you apply for permanent residence.

When calculating your work experience as a live-in caregiver, you cannot include:

- any periods of unemployment;
- any extended time outside Canada (for example, if you leave Canada for longer than the period of vacation time allotted in your employment contract, that period does not count); or
- any period you work for your employer outside Canada (for example, time spent on a family vacation will not count).

If you plan to apply for permanent residence, you may wish to get original documents that show, in as much detail as possible, all of your education, training and experience before you leave your country. These documents could help you when you apply for work in Canada, or help you get into a program of study, after you become a permanent resident. It is often easier to get these documents while you are still in your home country.

If you had to get a temporary resident visa to come to Canada, you may have to get a new one if you leave Canada temporarily, on holidays, for example, unless you are visiting the United States.