



Vancouver Committee for Domestic Workers' and Caregivers' Rights

Migrant Caregiver's Manual



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For updates contact the Committee for Domestic Workers' and Caregivers' Rights,
through www.cdwr.org or by calling 604-874-0649.

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INTRODUCTION

The Vancouver Committee for Domestic Workers' and Caregivers' Rights (CDWCR), through its Caregivers Network Project (Care-Net), holds a series of workshops for migrant caregivers on topics such as immigration, employment standards, financial basics (e.g. income tax, planning for retirement, savings and budgeting), health and wellness, and preparing for life in Canada. The Care-Net Project was launched in 2007, initially with funding from Vancity. It has continued since then with funding from the British Columbia General Employees' Union (BCGEU).

The main goal of the workshops is to educate caregivers (particularly those newly arrived under the Temporary Foreign Workers Program) and to proactively assist them while they are settling in and adjusting to Canada. Aside from providing information, the workshops also offer a venue where caregivers can socialize, make friends and build a support network. For CDWCR itself, the Care-Net Project is an effective tool to reach out to caregivers, expand the membership, and gain first-hand knowledge of the issues that migrant caregivers are experiencing related to immigration or employment.

With the support of the Government of Canada Migrant Worker Support Network (BC Pilot) the CDWCR, in collaboration with MOSAIC, has developed this Migrant Caregiver's Manual. The BC Pilot program, led by Employment and Social Development Canada aims at providing better supports for migrant workers and educating workers and employers on their obligations and rights and the Manual meets these objectives. It also fulfills the federal initiative's goal of enhancing capacity, educating and supporting migrant workers within the province of British Columbia.

What is the Migrant Caregiver's Manual?

- A compilation of resources and information that migrant caregivers need to settle in Canada
- In educational tool for CDWCR and other migrant caregivers organizations

Our Project Strategies:

To ensure this Manual would be relevant to migrant caregivers we ran focus groups to find out what information and resources would help these migrant workers settle in Canada.

We also held workshops with migrant caregivers to study government policies and laws relating to immigration, including the newly announced federal Caregiver Program, and the Interim Live- In Caregiver Program. Workshops also covered BC legislation such as the Employment Standards Act, WorkSafe BC and the Human Rights Code.

The information contained in this manual was reviewed by experts in the field.

MIGRANT CAREGIVER'S MANUAL

SECTION 1 OVERVIEW

TOPIC: The History of Caregivers in Canada

Why is this important to me?

More than a century ago, Canada began admitting immigrant workers to perform housekeeping, child care and personal care for adults with medical conditions. Canada has created many versions of programs for caregivers and continues to introduce interim and short-term program changes. It is important for you to know where you fit in this long history; to realize continuous changes are occurring and to be active in groups advocating for better conditions and rights protections.

Things you need to know:

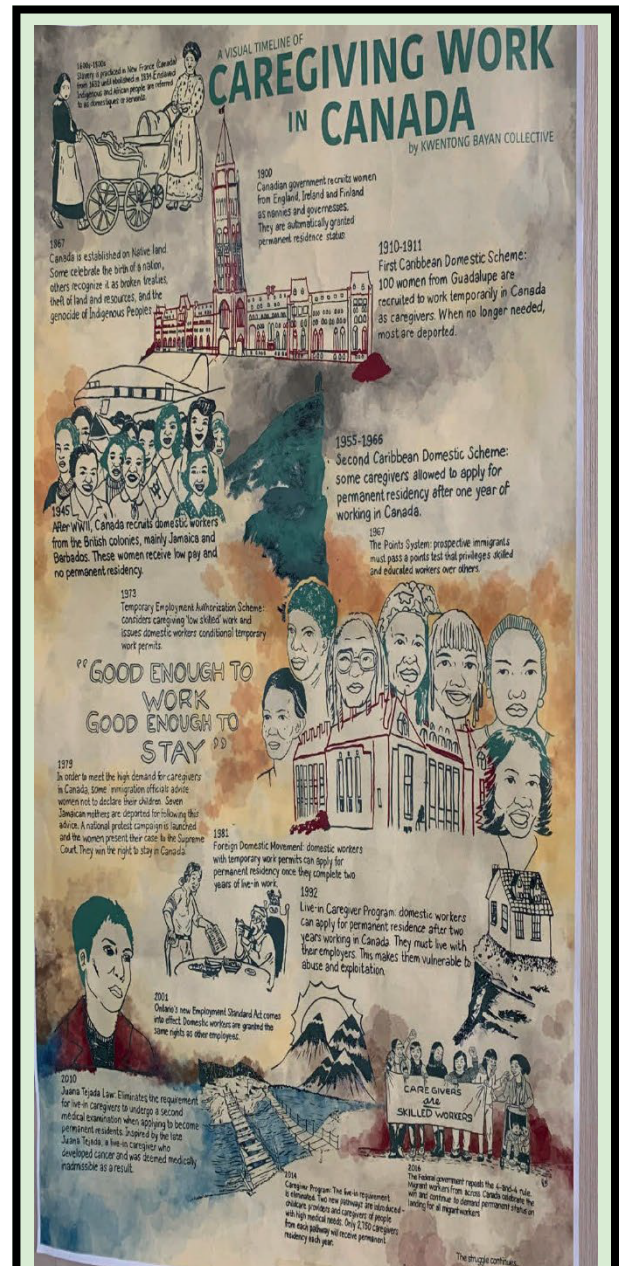
For over a century Canada has needed caregivers, but has often changed the rules about entry. In the early 1900s when caregivers came from England, Ireland, Finland and other European countries these workers came into the country as permanent residents. But as immigration patterns changed, caregivers coming from developing countries could only get temporary status.

In 1910, the government recruited 100 women from Guadalupe as caregivers. After World War II, thousands of women from Jamaica and Barbados came as caregivers on temporary permits. In 1955, the Canadian government allowed Caribbean caregivers to apply for permanent residence after one year of working in the country. Then in 1981, caregivers were allowed to apply for permanent residence after two years. At that time the new rules required them to live with their employers—that rule was changed in 2014.

Caregivers' organizations have always had to advocate for better laws and to protect individual caregivers. The programs are still changing and groups like CDWCR continue to demand changes in immigration legislation to give migrant caregivers permanent resident status on arrival. We believe "If we are good enough to work; we're good enough to stay".

For more information:

See Appendix A for a large copy of this poster or www.lcpcomicbook.com



MIGRANT CAREGIVER'S MANUAL

SECTION 1 OVERVIEW

TOPIC: The Vancouver Committee for Domestic Workers' and Caregivers' Rights

The Vancouver Committee for Domestic Workers' and Caregivers' Rights (CDWCR) is a community-based, non-profit organization that provides assistance to foreign caregivers seeking improvements to their employment conditions and immigration status. CDWCR advocates for foreign caregivers and their families to be granted landed status upon arrival in Canada.

CDWCR's mission is shaped by the belief that foreign caregivers deserve respect and recognition for the valuable, permanent services they provide and their important contributions to the betterment of the Canadian society. CDWCR is guided in its operations by the principles of inclusiveness, anti-discrimination, anti-oppression and respect for all.

Two CDWCR mandates are:

- *To empower migrant caregivers by providing them with current and up to date information.*

We do this through our Caregiver Network Project (Care-Net Project)---a series of workshops providing caregivers with information about their immigration and employment rights and the settlement services they need to effectively integrate into Canada. When migrant caregivers have the correct information they can avoid common problems newcomers can be facing. CDWCR also shares information through its website, e-mail distribution lists and newsletter.

- *To improve the lives and working conditions of caregivers.*

We do this by lobbying policy makers, through advocacy and by building coalitions with like-minded organizations. CDWCR is a member of Migrant Workers Support Network (MWSN), Coalition for Migrant Worker Rights Canada (CMWRC), Migrant Rights Network (MRN) and the BC Employment Standards Coalition (BCESC). CDWCR actively participates in the national campaign: "Landed Status Now: Care Workers Organize", that was launched on November 18, 2018.

CDWCR has been a 100%-volunteer organization since its founding in 1992. Its members are foreign domestic workers and migrant caregivers who arrived in Canada from the 1980s up to the present day, as well as community supporters. The CDWCR also provides referrals for services and organizes activities to help caregivers build social circles. CDWCR operates through regular membership dues of \$5.00 a year; regular donations from the Hospital Employees Union (HEU) and the BC General Employees' Union (BCGEU); donations from individuals and other allies; fundraising activities and occasional project-funding.

MIGRANT CAREGIVER'S MANUAL

SECTION 1 OVERVIEW

TOPIC: The Structure of Government in Canada

Why is this important to me?

As a newcomer, it is important for you and your family to understand the structure of government in Canada, the different levels of government and their functions. This will help you understand where to seek assistance and the services you may need.

Things you need to know:

Canada has three levels of government:

Federal government: The Prime Minister heads the federal government based in Ottawa. It deals with national and international matters, such as mail, taxes, money supply, banking, shipping, railways, pipelines, telephones, criminal law, foreign affairs, national defense, employment insurance, and Aboriginal lands and rights. Immigration is a federal government responsibility.

Provincial and territorial governments: A Premier leads each province and territory. The provincial and territorial governments have the power to change their laws and manage their own public lands. They are in charge of education, health care, and road regulations. Employment standards and other labour laws are also the responsibility of the provincial government.

Municipal governments: Municipal governments run cities, towns, villages or districts and the head of these local governments is most often a Mayor. Local governments are responsible for things such as parks, parking, libraries, roadways, local police, local land use, fire protection, public transportation, and community water systems.

Responsibilities are often shared between two levels of government.

Indigenous peoples: Indigenous peoples also have their own systems of government at the local or band level, and organizations at the provincial and federal level.

For more information:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/new-immigrants/learn-about-canada/gouvernement.html>

Points to Remember:

Federal Government: Each riding elects one Member of Parliament (MP). If you have a problem that relates to the federal government, such as immigration or citizenship, your MP may be able to help you. Use your postal code (part of your mailing address) to find your MP on this website.

www.ourcommons.ca/en/members

Provincial Government: Each riding elects one representative—in British Columbia called a Member of the Legislative Assembly (MLA). If you have a problem that relates to the provincial government, such as health care or education, your MLA may be able to help you. You can find your MLA online at

<https://www.leg.bc.ca/learn-about-us/members>

Local Government: Every local government has an office, town hall or city hall where you can ask questions, discuss problems, pay property taxes or get a business licence. Find your municipality or regional district at:

www.civicinfo.bc.ca/municipalities

Voting: When you become a Canadian citizen, you will be entitled to vote in the federal, provincial and local government elections. By voting, you can help shape the government.

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE

TOPIC: Social Insurance Number (SIN)

Why is this important to me?

When you arrive in Canada, you and your family members (especially Temporary Foreign Workers) must acquire a Social Insurance Number (SIN) from the Canadian government. You need this in order to work and access government programs and benefits. Your SIN is unique and it links to important information about you so you should take steps to protect it.

Things you need to know:

The SIN is a 9-digit number that you need to work in Canada or to have access to government programs and benefits. It is issued to one person only and it cannot legally be used by anyone else.

It is important to know how to protect your SIN from theft and protect yourself from identity fraud. Here are some pointers:

- Provide your Social Insurance Number (SIN) only if you are sure that is legally required for the service you are seeking.
- Store important documents, including your SIN and other personal information in a safe place; don't carry it with you or leave it in your car.
- Contact Service Canada if you change your name, if your citizenship status changes, or if your information is incorrect or incomplete.
- Never give your SIN over the phone unless you have made the call and you are certain who you are speaking to.
- Never reply to e-mails that ask for your SIN or other personal information and passwords.

For more information :

- Service Canada offices (If you don't speak English or French you can bring an interpreter)
- Toll-free: 1-800-206-7218 (press "3")

<https://www.canada.ca/en/employment-social-development/corporate/contact/sin.html>

Points to Remember:

If you are a temporary foreign worker, your SIN should start with "9". This will change if you change your status in Canada.

You should only provide your SIN:

- To your employer
- For income tax purposes to the Canada Revenue Agency
- To apply for federal government benefits for e.g. a passport
- To financial institutions where you have a bank account

Applying for SIN

You can apply online or by mail to:

- apply for a SIN
- obtain a confirmation of your SIN, and/or
- to amend your SIN record

If you are unable to apply online or by mail you have the option to apply in person.

<https://www.canada.ca/en/employment-social-development/services/sin/apply.html>

Medical Services Plan Response to COVID-19

Temporary Coverage: Expired Temporary Work or Study Permits

If your temporary permits have expired and you no longer have MSP coverage, you may be provided temporary MSP coverage if:

- You are currently living in B.C.;
- You have applied for a new permit (implied status);
- You were previously enrolled in MSP as a deemed resident; and
- Your MSP coverage has expired.

Contact Health Insurance BC to request this temporary coverage.

Renewing MSP Enrolment

You may request a Confirmation of Continued Coverage letter from Health Insurance BC if you are unwilling or unable to visit an ICBC driver licensing office to renew your MSP enrolment and get a renewed BC Services Card.

Contact Health Insurance BC and explain your circumstances. If approved, you will receive a confirmation letter in the mail.

New Residents to B.C.

MSP applicants who are unwilling or unable to visit an ICBC driver licensing office to complete their MSP enrolment, may be enrolled in MSP with temporary coverage if they have successfully registered with Health Insurance BC.

Contact Health Insurance BC and explain your circumstances to get a Confirmation of Coverage letter. You will receive the letter in the mail.

For more information:

<https://www2.gov.bc.ca/gov/content/health/health-drug-coverage/msp/bc-residents/msp-covid-19-response>

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE

TOPIC: Medical Services and the B.C. Services Card

Why is this important to me?

Illness can affect you at any time, so when you arrive, enrol in the provincial health care system so you are covered for any medical assistance you need. Make sure you also get short-term health insurance to cover you until your enrolment is complete. **All B.C. residents must enrol in the Medical Services Plan (MSP).** See **B.C. Services Card** section below for more information on completing MSP enrolment and receiving your **Personal Health Number (PHN).**

Things you need to know:

Applying for health care coverage is a two-step process.

Step One Enrol in the **Medical Services Plan (MSP)** – You are eligible to enrol if you are a temporary worker with a work permit for six months or more; a government assisted refugee; a post-secondary international student with a study permit; a landed immigrant or a Canadian citizen. Your dependents are also eligible—including a spouse, common law partner or children.

As of January 1, 2020 there is no monthly charge for MSP.

If you are new to Canada, apply for MSP as soon as you arrive. **Your coverage may start three months after your arrival date in British Columbia. During the wait period, you should get private health care insurance while you wait.** See if your employer will cover this cost.

It takes less than 15 minutes to enrol in the Medical Services Plan. Go to:

<https://www2.gov.bc.ca/gov/content/health/health-drug-coverage/msp/bc-residents/eligibility-and-enrolment/how-to-enrol>

Step Two Apply for your **BC Services Card** – After you enrol in the Medical Services Plan (MSP) you must get a BC Services Card to complete your enrolment. It has your picture and a unique lifetime identifier called a Personal Health Number. Present the card whenever you need health care services. It is also a valuable way to confirm your identity in other circumstances.

There is no charge for the BC Services Card. To obtain your card visit any Insurance Corporation of BC (ICBC) driver licensing office. To find an ICBC driver licensing office near you go to www.icbc.ca.

For more information:

- For BC Services Card see :
<https://www2.gov.bc.ca/gov/content/governments/government-id/bc-services-card>
- For MSP questions call Health Insurance BC 604-683-7151 or 1-800-7100

Points to Remember:

Coverage Wait Period: New residents or persons re-establishing residence in B.C may be eligible for coverage after completing a wait period that consists of the balance of the month in which residence is established, plus two months. For more information, visit:

<https://www2.gov.bc.ca/gov/content/health/health-drug-coverage/msp/bc-residents/eligibility-and-enrolment/how-to-enrol/coverage-wait-period>

Emergency Medical Care: A person can receive required medical and hospital services in B.C. before qualifying for provincial benefits. However, the entire cost is payable by the person, unless you have health care insurance. Depending on circumstances, you may be able to appeal to have the waiting period waived. Please see:

<https://www2.gov.bc.ca/assets/gov/health/forms/293fil.pdf>

Make sure you keep your BC Services Card secure to avoid losing it and exposing yourself to identity theft.

Banking During Covid-19

If you need to do a face-to-face transaction at your bank, contact the bank to obtain information regarding their safety protocols during the COVID-19 pandemic.

Your financial institution might have to close branches temporarily or reduce hours. They may ask you to use online and mobile banking, ATMs, or bank by telephone.

If you usually go into your bank branch to pay your bills, consider setting up pre-authorized debits instead. Pre-authorized debits are automatic and convenient for making payments from your account on a regular basis. You can also arrange with your employer for auto-deposit of your wages.

You may be worried about the impact of the current COVID-19 pandemic on your finances. Whatever the cause, financial emergencies can be stressful and cause considerable hardships for you and your family.

For more information on how to manage your financial health in challenging times, please see:

<https://www.canada.ca/en/financial-consumer-agency/services/covid-19-managing-financial-health.html>

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE

TOPIC: Opening a Bank Account

Why is this important to me?

It is important for you to know the local currency and understand spending and saving. Our salary is our only source of income so we need to use it well. Sending money to our families back in our country of origin is always our priority but we must also remember ourselves. Save money for the future, for yourself and your family.

Things you need to know:

You can open an account at a bank, a credit union, or a trust company but you need a bank that has the right kind of account for you. Don't be afraid to ask how much the bank charges for services they provide and compare with other banks. Ask about interest rates on your account. If you intend to send money home through your bank, ask about fees.

There are several different kinds of accounts:

- **Chequing accounts** – some chequing accounts charge you for each cheque you write and some charge monthly fees for different services. Most chequing accounts do not pay you interest.
- **Savings accounts** – with all savings accounts the bank pays you interest but the amount is not always the same. You cannot write cheques.
- **Chequing-savings accounts** – with these accounts the bank pays you interest and you can write cheques.
- **Term deposits and Guaranteed Investment Certificates (GICs)** – these usually pay you more interest but you have to leave your money in for a certain length of time.

It's easy to bank by phone, internet and smart phone. You just need to know how to enrol and follow the steps required by your financial institution.

For more information:

- Banking in Canada <https://www.cba.ca/>
- Money Management Tools for Newcomers (Prosper Canada) <https://moneymangement.prospercanada.org>
- Government of Canada "Manage Your Money" <https://www.canada.ca/en/services/finance/manage.html>

Points to Remember:

- Cash – is money whether it is coins or bills
- Cheques – may be used by your employer to pay your salary. You may use cheques to pay for goods and services
- Credit cards – can let you buy or pay bills now and pay later. The longer you take to pay back the balance, the more the interest will add up. You can get these cards from banks, department stores, some financial institutions and gas stations. Different credit card companies charge different rates so read the information carefully.
- Debit cards – these cards let you pay straight out of your bank account. Make sure there is enough in the account before paying with these cards.
- Protect your debit and credit cards and keep them in a safe place. Do not share your Personal Identification Number (PIN) – not even with your family and friends.

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE

TOPIC: Getting Around

Why is this important to me?

As a newcomer to Canada, it is important for you to know the traffic rules so you can travel safely, and protect yourself and others when you are in the street and travelling to other places.

Things you need to know:

Taxis and Ride Sharing

The fastest way to get around the city is by taxi or by ride sharing like UBER, but in big cities it can be the most expensive way. Most cities and towns have taxi and ride sharing companies operating. The best and safest way to get a taxi is by telephone or cellphone as you will be registered in the system of the taxi company or through the App. At the end of the trip, a meter in the taxi shows how much to pay. A driver is usually given a tip between 10-15% of the fare. The total amount can be paid in cash, by debit or credit card.

Walking

Cross the streets only at a corner or a crosswalk and observe traffic rules. It is against the law to cross in the middle of a block and is considered jaywalking. If the police see you jaywalking, you may have to pay a fine. Many streets have crosswalks – wide white lines painted on the road or a sign. Cars should stop and wait for people to cross. Although you have the right-of-way to cross, you should be mindful of oncoming cars. Look both ways. Use sidewalks whenever possible.

Bicycling

You must wear a helmet; in B.C. you could be fined if you don't, although an exception is made if wearing a helmet would interfere with a genuine religious practice. Use designated bicycle lanes and do not ride on sidewalks unless there is a sign permitting it. Cyclists follow the same traffic rules as cars do and must always ride in the same direction. Only one person at a time can ride on the bicycle, however, an adult may carry a child using a special seat.

For more information:

Visit www2.gov.bc.ca for road safety rules and consequences. Email RoadSafetyBC@gov.bc.ca if you have questions.

Visit www.bikesense.bc.ca to learn more about bicycle safety

Points to Remember:

Use of Taxis

- Rather than flagging down a cab in the street it is preferable to call a taxi company for service so your ride is officially on record.
- If you do flag down a cab, take a picture of the taxi's plate number and send it to family or a friend.

Walking

- Look for pedestrian lanes or crosswalks.
- Wait for the traffic light/signal.
- Check for oncoming cars.

Riding Bikes

- Always wear a helmet.
- At night all bicycle lights must be on. Use a red light at the back and white light at front.

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE

TOPIC: Driving in B.C.

Why is this important to me?

BC is the fourth largest province or territory in Canada in terms of total area. Although B.C. highways are in good condition, the weather and mountains can make driving difficult. Sometimes the destination may look close, but it could be a long drive away. It is important that the driver and the car are prepared for travel in all conditions.

Things you need to know:

Driving in British Columbia

You need a government- issued licence and car insurance to drive a car in B.C. The Insurance Corporation of British Columbia (ICBC) a government agency, is responsible for testing, licensing and insurance.

Driver's License

If you had a driver's licence in your own country you can drive in B.C. for 90 days using the same licence but you should apply for your B.C. license as soon as possible.

The process for getting a driver's licence will vary depending on where your previous licence was issued. You may need to pass knowledge, vision and road tests. You need different types of licenses to drive a car, a motorcycle, bus, large truck, or taxi.

First-time drivers must go through a graduated licensing program. At the Learner stage (L) you take a knowledge and vision test. You take a road test a year later to advance to the Novice stage (N). Then after 24 months you may have a second road test to get a full-privilege licence.

Driving Schools will help you learn to drive but make sure you use a driving school licensed by ICBC.

Insurance Protection

ICBC provides basic vehicle insurance through Autoplan and will process your claim if you have a car accident.

Basic insurance will pay for damages to the other driver's car when you have an accident. The cost of insurance will vary depending on where you live, what type of car you drive, if you use it for work and your driving record.

For more information:

- www.icbc.com
- www.DriveBC.ca has up-to-date information on weather warnings, estimated driving times, and road conditions.

Points to Remember:

Insurance

- For more protection consider buying collision insurance in case you damage your own car.
- A letter from your previous insurance company, showing your driving record, may help you get a cheaper insurance rate.

Licence

- You must be 16 or older to apply for a licence. If you're under 19, a parent must sign the licence application form.
- There are fees for each test. When you pass the test, you pay again for a five-year driver's licence.

Safety

- Drivers and all passengers must wear seatbelts.
- Drive at the speed limit especially near schools and parks.
- Do not drive under the influence of alcohol or drugs.
- Put your cell phone away.
- Child car seats must meet Canadian safety standards.
- Children can't sit on an adult's lap.

<https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc>

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE IN CANADA

TOPIC: Public Transportation

Why is this important to me?

Canada is the second largest country in the world in total area, so travelling can be a challenge, however, it has one of the best transportation systems. It brings you across places safely and efficiently, especially in the Vancouver region. Plan ahead when you want to travel. As a newcomer in B.C., identify the locations of your residence, work, schools, and church so you can determine your best routes and method of transportation.

Things you need to know:

BC Transit provides a bus system for more than 50 communities outside Metro Vancouver. It picks up and drops off passengers at designated bus stops and you can purchase a day or monthly pass or pay as you go.

TransLink -Vancouver operates **SkyTrain** which has three lines; the Expo Line connecting downtown with Burnaby, New Westminister and Surrey; the Millennium Line connecting downtown with Burnaby and Coquitlam; and the Canada Line connecting downtown to Vancouver International Airport and Richmond.

TransLink also operates **SeaBus** ---a ferry that takes passengers between downtown and the north shore---and the **West Coast Express**, a commuter rail between downtown and Mission.

Transit Compass is a reloadable fare card that works everywhere on transit in Metro Vancouver. You can pay for a monthly pass, day pass or pay an amount you choose that will be stored on the card for pay-as-you-go trips. When you "tap" your Compass card at station sensors, the system reserves a three-zone fare. When you "tap out" as you exit, it calculates the correct fare and credits the difference back onto your card.

There are two kinds of Compass cards; the Adult Card and the Concession Card for seniors (65 years and older), youth (14-18 years of age), children (5-13 years of age), and holders of HandyCards.

Compass cards can be purchased online at www.compasscard.ca by phone at 604-398-2042, from retailers or from a Compass vending machine in a Skytrain station. (Adult fares only)

For more information:

- Get local bus maps and schedules at any public library.
- Visit www.translink.ca to get a detailed trip plan.
- Visit www.compasscard.ca for videos, and other information on using this card.

Points to Remember:

Use of Transit Compass cards

- Compass Cards cost \$6
- If you no longer need your card, return it for a refund at a customer service location or by mail.
- Children below 5 years old ride for free.
- You can pre-authorize deductions from your debit or credit cards to load your Compass card.
- When travelling, "tap in" and "tap out" at stations so you're charged the correct fare.

Other services

- West Coast Express operates Monday-Friday only.
- All TransLink vehicles can be used by persons with walkers or wheelchairs.
- HandyDart is a door-to-door shared-ride service for those unable to travel independently. Call (604) 953-3680 for pickup.

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE IN CANADA

TOPIC: Remittances

Why is this important to me?

If you still have family in your home country you may be expected to send remittances to support them. This is true even for those caregivers who are not married--- they often send money to help out their parents, siblings and other members of the extended family. You will need information on the different and reliable ways to send money back home from Canada.

Things you need to know:

There are various ways to send money overseas from Canada.

Most banks and financial institutions will transfer money to almost any country in the world although they do charge fees for this service. This is one of the things to check when deciding where to open an account. Speak to your bank or credit union to get more information about their fees and their services.

There are also different companies, including foreign exchange companies, that will remit money to bank accounts or even door-to-door. Make sure the company has a good business reputation before giving them money or paying their fees. You can ask your family, friends or your community for advice on which company is reliable. Confirm that any company you want to use can be trusted.

There are usually limits on the amount of money you can send in one transaction.

You can also send money through Canada Post. Use MoneyGram to send money transfers within Canada and around the world. You pay a \$10 flat fee for transfers up to \$500. You can send and receive money or start a transfer with MoneyGram online and make the payment at the post office to save time.

<https://www.canadapost-postescanada.ca/cpc/en/personal/money-government-services/send-money/international-money-transfers.page>

For more information:

Care workers from the Philippines should check Dahong Pilipino, a Filipino-Canadian community and business directory in British Columbia. You can find listings of various businesses including those that offer to remit money.

<https://dahongpilipino.ca>

Workers from other countries, should check for information from their friends, community groups or business organizations.

Points to Remember:

Although it is important to fulfill family obligations, save some income for personal needs and future expenses.

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE IN CANADA

TOPIC: Protect Yourself from Scams and Fraud

Why is this important to me?

As a newcomer, you may be a target for scams and fraud. Scammers may try to steal your identity to access your bank accounts or run up debts in your name. You could also be asked for money in charity scams, investment fraud or by people on the telephone pretending to be the police, or the Canada Revenue Agency. Understanding the common scams and fraud can help you protect yourself.

Things you need to know:

Common Scams

Educate yourself about common scams using the following resources:

- Canadian Anti-Fraud Centre
<https://www.antifraudcentre-centreantifraude.ca/index-eng.htm>
- Scams and Fraud from the national police force, the RCMP
<https://www.rcmp-grc.gc.ca/en/gazette/report-scammers-prevent-fraud>
- The Better Business Bureau provides updates on the most recent phone and internet scams in its Scam Tracker at
<https://www.bbb.org/>

Be Internet Aware

Scams, fraud, and identity theft often take place on the internet or through email. Make internet safety a personal priority. To help you protect yourself online review:

- Get Cyber Safe from the Government of Canada
<https://www.getcybersafe.gc.ca/en/home>

Investor and Consumer Protection

Whether you're investing money or making a purchase, you may have concerns about the individual or company you're dealing with.

For more information:

<https://www2.gov.bc.ca/gov/content/family-social-supports/seniors/financial-legal-matters/investor-and-consumer-protection?keyword=9>

<https://www2.gov.bc.ca/gov/content/family-social-supports/seniors/financial-legal-matters/scams-and-fraud>

Points to Remember:

If you lose your money in a scam, it may be impossible to get it back, even after you report the scam. The best defence is to educate yourself and avoid becoming a victim.

Do not be ashamed if you think you have been a victim of fraud or scam. Many victims feel others will think they are stupid for falling for a scam, but that's not true. Remember it is important to report fraud.

Beware of the information you share on social media.

Do not give away important information like your Social Insurance Number (SIN), passport numbers, and information from similar documents unless absolutely necessary. Ensure these documents are properly stored and secured. If you lose any of them, report it to the proper government authorities.

Do not share your Personal Identification Number (PIN) or password for your bank account, credit card, or even email or social media account. If you lose your credit card or bank card, report it right away.

MIGRANT CAREGIVER'S MANUAL

SECTION 2 WHEN YOU ARRIVE IN CANADA

TOPIC: Paying Taxes

Why is this important to me?

While working in Canada, you have a responsibility to report income and to pay taxes. On this page you will find information on the kinds of taxes you will pay while in British Columbia and Canada.

Things you need to know:

Governments use tax money to pay for roads, parks, medical care, welfare, and schools. While working in Canada you should fill out and send in an income tax return (form) each year. You must send the form to the federal government. Most income tax returns are due by April 30 and are available online from the Canada Revenue Agency.

- BC Sales Tax (PST): You pay seven per cent provincial sales tax on many goods and services you buy in British Columbia. www.gov.bc.ca/pst
- PST Credit: You may be able to claim a tax credit when you file an income tax return. <https://www2.gov.bc.ca/gov/content/taxes/income-taxes/personal/credits/sales-tax>
- Goods and Services Tax (GST): You also pay five per cent federal sales tax on many goods and services you buy in Canada. <https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/gst-hst-individuals.html>
- GST Credit: You may be able to receive a tax credit by filing an income tax return. <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/goods-services-tax-harmonized-sales-tax-gst-hst-credit.html>
- The Canada Child Benefit is a monthly payment from the federal government to help families with children under age. At least one parent must be a resident of Canada. Apply as soon as you arrive. Both parents must send in their income tax forms every year, even if they have no income to report. www.cra-arc.gc.ca/bnfts/ccb/menu-eng.html

Points to Remember:

- Always report your income correctly. You must truthfully declare all income you have earned, including cash.
- In the future, if you apply for loans or mortgages your income tax return will be required to prove your economic situation.
- If you fail to report income it may affect your ability to get approval for loans. It can even affect your Canada pension after retirement.
- Even if you have no income, file an income tax return since you may be entitled to some benefits or services

For more information:

You can create a secure, online account with the Canada Revenue Agency. <https://www.canada.ca/en/revenue-agency.html>. "My Account for Individuals" lets you view your personal income tax information and manage your tax affairs online.

Housing During the COVID Pandemic

Tenants facing difficulty paying rent as a result of the COVID-19 pandemic should be aware there may be assistance available to them. For updates to legislation and benefits regarding residential tenancies that affect landlords and renters, please see:

<https://news.gov.bc.ca/factsheets/information-for-renters-and-landlords-during-covid-19>

For those accessing temporary or transition housing, follow the respective safety measures and guidelines required by each facility.

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: Housing

Why is this important to me?

Under the new caregiver programs you are no longer required to live with your employer so you need to find accommodation as soon as you arrive in Canada. If you bring family, you also need to ensure you have proper housing for your children. Since you will most likely be renting, you should be aware of your rights as tenants in rental housing.

Things you need to know:

More than one third of BC housing is rental housing but is often expensive. **BC Housing** offers low-income housing and assists with rent. <https://www.bchousing.org/home>.

Subsidized Housing: If you live in B.C. and have a low income you may qualify for subsidized housing. There are several requirements: for example, you must permanently reside in B.C. when applying, and each member of the household must be a Canadian citizen, permanent resident, refugee or individual who has applied for refugee status. For more information see: <https://www.bchousing.org/housing-assistance>

The Rental Assistance program helps low-income, working families to pay their monthly rent. Family household income must be \$40,000 or less per year; families must have at least one dependent child, and have been employed at some point over the previous year. Check out: <https://www.bchousing.org/housing-assistance/rental-assistance-programs/RAP>

Housing co-operatives: Some housing co-operatives (co-ops) also provide low-cost housing. Most co-ops have waiting lists, and every co-op has its own application process. To find a co-op in your area go to www.chf.bc.ca.

The B.C. Tenancy Act spells out the rights and responsibilities of renters and landlords. Disputes are settled by the Residential Tenancy Branch. Make sure you're renting the legal way. Get the information you need to have a successful tenancy.

For more information:

- Residential Tenancy Branch www.gov.bc.ca/landlordtenant (604) 660-1020 Toll-free: 1-800-665-8779
- Tenant Resource & Advisory Centre (TRAC) www.tenants.bc.ca (604) 255-0546 Toll-free: 1-800-665-1185

Points to Remember:

- Trust your instincts—don't sign a rental agreement you do not understand.
- Your security deposit can't be more than 50% of one month's rent.
- A landlord cannot change the locks without your consent. You have the right to have the landlord change the locks when you first move in.
- A landlord must give you three months notice before increasing your rent and can only increase your rent once every 12 months.
- Currently, annual rent increases can't be higher than the inflation rate.
- A landlord must give proper notice to end your tenancy.

Learn more about your rights. Resources are available from the Tenant Resource and Advisory Centre (TRAC) which offers workshops, a tenant hotline, and materials in languages other than English. www.tenants.bc.ca

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: Temporary Housing

Why is this important to me?

When you are in a live-in arrangement with your employer you can suddenly become homeless if you lose your job. It is important to understand what options may be available should this happen to you.

Things you need to know:

Temporary Housing

Emergency shelters are temporary places to stay for anyone who is homeless or at risk of homelessness. BC Housing offers emergency shelters across British Columbia: year-round shelters, temporary shelters and extreme weather (winter) shelters.

What to expect: A typical stay at an emergency shelter includes a bed with linens, hot meals, showers, laundry and support services. It may range from one night to longer depending on your needs. People who stay at emergency shelters can be diverse, with a wide range of needs and abilities. Shelter staff require appropriate behaviour, but each shelter's requirements can be different.

Find an emergency shelter if:

- You do not have a permanent address or residence
- You are living and sleeping on the street.
- You need a place to stay after you leave a hospital, rehabilitation centre, treatment centre or correctional facility.
- You need a place to stay in extremely wet or cold winter weather.
- You leave a situation where you were exploited financially, sexually, physically or emotionally.
- You are living in a temporary situation where you don't know how long you can stay, for example at a friend's house.
- You have less than three months to find a new place to stay after your landlord gives you notice to move out.

Shelters are for adults aged 19 years and older. Some shelters may have special facilities for youth, older adults, elders and seniors.

For more information:

Contact BC Housing for information about emergency shelters at <https://www.bchousing.org/housing-assistance/homelessness-services/emergency-shelter-program>

Points to Remember:

- As a migrant caregiver, you can find government-funded settlement providers who can help you.
- See [WelcomeBC](#) for a list of settlement services in British Columbia that are funded to provide services for temporary foreign residents:

<https://www.welcomebc.ca/Start-Your-Life-in-B-C/Settlement-Services#Temporary-residents>

- If you lose your job, and have nowhere to live, reach out to one of those service providers for assistance.

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: Medical Services

Why is this important to me?

The Medical Services Plan of B.C. does not cover all medical costs and this can create financial problems for you, especially if you have your children with you. It is important to have information about how to find a doctor, and insure yourself against unexpected medical costs not included in the Medical Services Plan.

Things you need to know:

Private insurance: You can buy extra health insurance from private organizations like Greenshield, the B.C. Automobile Association or Pacific Blue Cross.

Finding a family doctor: Some employers require medical clearance as a condition of employment. Your friends, neighbours, work colleagues, or other people in your community may know of a good doctor or walk-in clinic. Your immigrant settlement agency may be able to help you find a doctor who speaks your language. [HealthLink BC](#) also has information on doctors, clinics and other health services.

Getting coverage for prescription drugs: The provincial government helps B.C. residents with the cost of most prescription drugs, and certain medical supplies, through the Fair PharmaCare plan ---a plan that helps low-income families. You must first have Medical Services Plan (MSP) coverage. Register for Fair PharmaCare as soon as you get your BC Services Card. For more information see:

<https://www2.gov.bc.ca/gov/content/health/health-drug-coverage/pharmacare-for-bc-residents/who-we-cover/fair-pharmacare-plan>

BC Healthy Kids Program helps cover the cost of basic dental care, prescription eyeglasses and hearing aids for children under 19 years of age in low income families. Ask your eye doctor or dentist for more information on what is covered or visit:

<https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/health-supplements-and-programs/healthy-kids>

HealthLink BC provides free non-emergency health information and advice 24 hours a day, 7 days a week. They offer services in more than 130 languages by phone (8-1-1) and on their website. www.healthlinkbc.ca

Points to Remember:

It is important to take care of yourself and your health. If you get sick and are unable to work for long period of time, this can delay completion of the two years of work experience needed for your permanent residence application.

The medical examination you submitted during your work permit application is only valid for one year. You need to complete a second medical examination when you apply for permanent residence.

Be aware that any health issues can affect your application.

Maintain a healthy lifestyle by eating a balanced diet, exercising regularly, getting enough rest and reducing your stress level.

Find a family doctor or a clinic so you can have regular check-ups and build a reliable history of any medical conditions.

For More INFORMATION:

<https://www.greenshield.ca/en-ca>

<https://www.bcaa.com>

<https://www.pac.bluecross.ca>

Mental Health and COVID-19

The COVID-19 pandemic may make us feel confused, sad and anxious. Self-isolation required to manage the pandemic may make us feel separate from some of the activities we have used to help manage our feelings. For migrant workers, family separation, immigration status, lost employment, or financial problems could result in even more mental stress and anxiety during a pandemic.

It's important to learn about resources and supports that can help you take care of yourself and your family.

Change can be difficult, especially during times like these. You may be experiencing more stress and uncertainty. Understanding the facts about COVID-19 can help reduce this uncertainty and provide you with tools to cope. Practicing compassion and good self-care can help you manage your anxiety and lessen stress.

For more information and to find support, please see:

<https://www.healthlinkbc.ca/mental-health-covid-19>

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: Mental Health

Why is this important to me?

Health is not just about having a strong body. Your mental health is equally important. Caregivers, especially those who are separated from their family can easily feel isolated and depressed. You and your family members may feel unhappy after moving to a new country due to culture shock or other factors. These feelings should not be ignored.

Things you need to know:

Mental health and substance abuse centres. Most B.C. communities have mental health centres. They can help people with mental health and substance abuse problems— for example, depression, anxiety, and abuse of alcohol or drugs. To find the mental health centre near you, call the Mental Health Information Line at (604) 669-7600 Toll-free: 1-800-661-2121. To get more information on the services available, visit: <https://www.healthlinkbc.ca/mental-health>.

Crisis centres help people who are having problems in their lives. These can be mental health problems (depression, suicidal thoughts) or family problems (marriage break-up, abuse). If you are in crisis, call the Distress Phone Services at 1-866-661-3311 or 1-800-784-2433 (1 800 SUICIDE). There is no charge and lines are open 24 hours a day, 7 days a week. <https://www.crisiscentre.bc.ca>.

The Kelty Mental Health Resource Centre has information and resources for children, youth and families. You can learn about mental health, eating disorders, addictions, anger management, anxiety, attention-deficit hyperactivity disorder (ADHD), depression, psychosis, schizophrenia, suicide-prevention and stress management. Metro Vancouver: (604) 875-2084. Toll-free: - 800-665-1822. For more information visit: <https://kelytmentalhealth.ca>

HeretoHelp provides information about managing mental illness and maintaining good mental health. They offer tests so you can understand your mental health better. www.heretohelp.bc.ca

Points to Remember:

- Avoid unnecessary stress, and make sure to get enough rest.
- If you are alone, avoid feeling isolated and depressed by reaching out to your community. Get the necessary support: you can attend church, participate in community events or become a member of an organization.
- The Committee for Domestic Worker' and Caregivers' Rights (CDWCR) holds social events. Take advantage of those events to meet new friends and establish a support group.
- Learn from the experiences of others, and know that you are not the only one experiencing the same issues. This can help a lot in coping with problems.

For more information: If you or someone you know needs help, call one of the following numbers:

- **9-1-1** if you are in an emergency
- **1-800-SUICIDE (1- 800-784-2433)** if you are considering suicide or are concerned about someone else
- **310Mental Health Support at 310-6789** (no area code needed) for emotional support, information, and resources on mental health
- **Kid's Help Phone** at 1-800-668-6868 to speak to a professional counsellor, 24 hours a day

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: Support Against Abuse and Violence

Why is this important to me?

Violence against women and girls remains one of the most prevalent and pervasive human rights violations. Migrant care workers remain to be mostly women. It is important that they are able to access the necessary support and resources.

Things you need to know:

List of Resources and Support Services

Asian Women for Equality

604-872-3086

<https://www.asianwomenequality.org/contact>

Battered Women's Support Services

Phone: 604 687-1868

Crisis Line: 604 687-1867

Email: directservices@bwss.org

<https://www.bwss.org/>

BC Society of Transition Houses

<https://bcsth.ca/get-help-now/>

BC Coalition of Persons with Disabilities

<https://www.pipain.com>

Downtown Eastside Women's Centre

<https://dewc.ca/program/victim-services/>

Ending Violence Association of BC

<https://endingviolence.org/contact-us/>

Family Services of Greater Vancouver - Victim Services

https://fsgv.ca/programs/victim-services/?gclid=CjwKCAiA04arBhAkEiwAuNOsluVYt7Dr8c9l_joaSS7Btc-15NjRDQozQgvnGP88GrFfDr53MjTyNhoCRnYQAvD_BwE

MOSAIC

<https://mosaicbc.org/our-program-types/violence-prevention-and-support/>

North Shore Women's Centre

<https://www.northshorewomen.ca/contact-us>

Salal Sexual Violence Support Center

<https://www.salalsvsc.ca>

The Salvation Army Belkin House

<https://belkinhousesa.ca/contact/>

Vancouver & Lower Mainland Multicultural Family Support Services <https://vlmfss.ca/get-help/>

306 - 4980 Kingsway, Burnaby, BC V5H 4K7

Phone: 604 436-1025

Email: Stopping the Violence Counselling (Vancouver & Burnaby) & Prevention Education Advocacy Counselling and Empowerment Program (PEACE)/Vancouver & Multicultural Outreach Services: againstviolence@vlmfss.ca

Prevention Education Advocacy Counselling and Empowerment Program (PEACE)/Burnaby & New Westminster: cwwa@vlmfss.ca

Community Based Victim Services Fax: 604 436-3267

Vancouver Rape Relief and Women's Shelter

<https://rapereliefshelter.bc.ca/contact/>

Vancouver Status of Women

<https://www.eastvillagevancouver.ca/business/vancouver-status-of-women/>

Vancouver Association for Survivors of Torture (VAST) <https://www.vastbc.ca>**VictimLink BC**

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>

YWCA Metro Vancouver

<https://ywcavan.org/programs/violence-prevention>

Education during COVID-19

B.C.'s Back to School Plan

Students in B.C. returned to in-class learning in September 2020. B.C.'s plan includes new health and safety measures, increased funding for protective equipment like masks and new learning groups to help keep everyone safe.

The BC Centre for Disease Control guidelines for schools are firm. If a student, staff member or any other adult has any symptoms of a cold, influenza, COVID-19, or any other infectious respiratory disease, they must not enter the school.

Students, staff members and any other adult must stay home and self-isolate if they:

- Have symptoms of COVID-19

- Have travelled outside Canada in the last 14 days

- Are identified as a close contact of a confirmed case or outbreak. This includes the children of essential service workers.

For more information:

<https://www2.gov.bc.ca/assets/gov/education/post-secondary-education/institution-resources-administration/covid19-return-to-campus-guidelines-web.pdf>

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: The Education System for Children

Relevance to Care Workers:

Now that caregivers have the option of bringing family to Canada, it is important for you to understand how the education system in B.C. works and the education options available.

Things you need to know:

British Columbia's education system. In British Columbia, all children between the ages of five and 16 must go to school. The school system is made up of public schools and independent or private schools. Public schools are fully funded by the B.C. government. There is no fee for your child to attend a public school. Independent schools are only partially funded by government. Parents must pay fees for their children to attend most independent schools. The provincial government (Ministry of Education), local boards of education and independent school authorities manage the school system from kindergarten to Grade 12. The provincial government makes sure that every school meets provincial standards and every student receives a high-quality education.

www.gov.bc.ca/bced

Registering your child in a public school. Children usually attend the public school closest to their home. To register your child, contact your school board. You will be asked to provide official documents showing your child's date of birth, your resident status in British Columbia, and the address where you live. You will also be asked to show your child's immunization record. This is a paper that has information about vaccinations your children have received to protect them against diseases. Some school communities provide a program called **Settlement Workers in Schools** to help the children of newcomers and their families adjust to their new school and community.

Pre-school Child Care. There are benefits and tax credits available from the federal and provincial governments to help reduce the expense of childcare. For information on federal programs see <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/canada-child-benefit-overview.html>

For information on B.C. programs see: Affordable Child Care Benefit <https://www2.gov.bc.ca/gov/content/family-social-supports/caring-for-young-children/child-care-funding/child-care-benefit>

Points to Remember:

Kindergarten Application

In Vancouver all elementary schools offer full day kindergarten for our youngest learners. Eligible children turn five years of age by December 31 in the same calendar year that they begin school. November 1 to January 31 is the priority enrolment period for children attending kindergarten the following September.

Step 1 – Complete an online application form

Step 2 – Bring supporting documentation, along with your child to your neighbourhood school. In Vancouver:

<https://www.vsb.bc.ca/nwc/page/11335/online-registration>

School districts vary in procedures and offer different programs. Be sure to contact the school district where you live.

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: How to find a Job

Why is this important to me?

It is very challenging to find a job, especially in the profession you acquired in your country of origin. The challenges include getting Canadian experience; lack of recognition for credentials; language obstacles; culture shock and the lack of social services for those not yet permanent residents. It is important to look for the right services, resources, and connections to settle in Canada.

Things you need to know:

- Become familiar with the Canadian workplace, its culture and etiquette; that will give you an advantage before you start working.
- Look for government-funded services or organizations that help Temporary Foreign Workers.
- Prepare a resumé and cover letter relevant to the job you are applying for.
- Reach out to different organizations that will build your confidence and your self-esteem.
- Make new acquaintances, socialize and market yourself to employers.
- Volunteer for organizations. You can make connections and meet new people and it will also help you on your career pathway.
- Look for free training to upgrade your skills.
- Take advantage of government-funded services offering scholarships to upgrade your skills.
- Enhance your communication skills to increase your self-confidence. Check out <https://issbc.org/program-types/learn-english/>
- Assess your credentials to see if they match the requirements of the jobs you are seeking.

For more information:

- WorkBC www.workbc.ca
- Community Airport Newcomers Network <http://www.cannyvr.ca>
- Service Canada www.servicecanada.gc.ca
- www.jobbank.gc.ca
- Immigrant Services Society of BC. www.issbc.org
- Welcome BC www.welcomebc.ca

Points to Remember:

Ten things (you might not have even thought of) to remember when job searching:

- Double-check your Facebook privacy settings.
- Check your Instagram account.
- Update or delete old social media profiles.
- Check your video interview background.
- Keep your email account up-to-date.
- Review personal websites or portfolios.
- Match your resumé to your LinkedIn account.
- Ensure your references know they may be contacted by prospective employers.
- Respond quickly to contact.

Check out these resources

<https://www2.gov.bc.ca/gov/content/careers-myhr/job-seekers>

<https://www.monster.ca>

<https://www.thebalancemoney.com/to-p-job-search-do-s-and-don-ts-2060717>

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: Legal Services

Why is this important to me?

Workers with temporary immigration status can be vulnerable to abuse so it is important to know there are many free and low cost services where you can get legal advice and support if you need it.

Things you need to know:

Legal Services Society has a range of free services that may help you. The group gives priority to people with low incomes, but many of their services are available to all British Columbians.

https://legalaid.bc.ca/legal_aid

VictimLinkBC is a toll-free, confidential, multilingual telephone service available across B.C. and the Yukon 24 hours a day, seven days a week. It provides information and referral services to all victims of crime and gives immediate crisis support to victims of family and sexual violence, including victims of human trafficking exploited for labour or sex. Call 1-800-563-0808.

Access Pro Bono is a non-profit society that connects people with low incomes with volunteer lawyers for legal help. Their services are free. Toll-free: 1- 877-762-6664 or check their website at www.accessprobono.ca

The Lawyer Referral Service provides consultation with a lawyer for up to 30 minutes for a fee of \$25 plus taxes. After a consultation, any further fees charged are decided between the lawyer and the client. You are under no obligation to retain the lawyer. Call 604-687-3221 or 1-800-663-1919.

Migrant Workers Center provides free (pro bono) legal advocacy services to migrant workers.

<https://mwcbc.ca/how-to-get-legal-help/>

For more information:

VictimLinkBC is TTY accessible. Call TTY at 604-875-0885; to call collect, please call the Telus Relay Service at 711.

Text to 604-836-6381. Email VictimLinkBC@bc211.ca

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>

Points to Remember:

- If you are a migrant caregiver with an employer-specific work permit, you must document any form of abuse. If you are a victim of abuse or at risk of being abused you may apply for an open work permit for vulnerable workers. Visit : <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/vulnerable-workers.html>
- Report abuse to the police or to VictimLinkBC to ensure the incident is properly documented.
- Check this manual to learn about your immigration rights, employment rights, and human rights under Canadian law. If you think that any of these rights are violated, make a complaint to the proper authority.
- As a resident of Canada you must abide by Canadian laws and regulations. Not following these laws can affect your immigration status, and in some cases could result in deportation.

Income Supplement during COVID-19

The Government of Canada has provided programs to support people during COVID-19 who may have lost hours, or have lost their job entirely because of COVID-19.

Canada Recovery Benefit (CRB)

The Canada Recovery Benefit (CRB) gives income support to employed and self-employed individuals who are directly affected by COVID-19 and are not entitled to Employment Insurance (EI) benefits. The CRB is administered by the Canada Revenue Agency.

If you are eligible for the CRB, you can receive \$1,000 (\$900 after taxes for a 2-week period).

If your situation continues past 2 weeks, you will need to apply again. You may apply for up to a total of 13 eligibility periods (26 weeks until September 25, 2021).

If you have insurable hours, meaning if you have Employment Insurance (EI) deductions on your paycheque, you need to apply for EI first. If you are denied of EI benefits, you can then apply for the CRB.

For more information:

<https://www.canada.ca/en/revenue-agency/services/benefits/recovery-benefit.html>

Employment Insurance Benefit

If you have insurable hours, meaning if you have Employment Insurance (EI) deductions on your paycheque, you may be eligible for EI. If you lost your job through no fault of your own, please apply.

EI sickness benefits can provide you with financial assistance if you can't work for medical reasons.

You could receive 55% of your earnings up to a maximum of \$650 a week.

<https://www.canada.ca/en/services/benefits/ei/ei-sickness.html>

MIGRANT CAREGIVER'S MANUAL

SECTION 3 SETTLEMENT INFORMATION

TOPIC: If You Lose Your Job

Why is this important to me?

Like any kind of employment, there is no job security in caregiving, so losing your job is possible. If you lose your job through no fault of your own, you may be entitled to some benefits that can provide income while you look for another job.

Things you need to know:

Employment Insurance (EI) is a federal program that provides temporary income support to unemployed individuals while they look for work.

Employers must deduct EI premiums from workers' pay; employers themselves must also contribute and send both amounts to the insurance fund every month. The deduction shows on employees' pay stubs.

Workers receive EI benefits only if they have paid premiums in the past year and meet qualifying and entitlement conditions.

There are two types of EI benefits available to support eligible workers:

- I. EI regular benefits provide temporary income support to insured workers who experience a job loss, through no fault of their own, while they seek reemployment.
- II. EI special benefits provide temporary income support to insured workers to help them balance work and life responsibilities when they are unable to work because of sickness, maternity, caring for a newborn or newly adopted child, or providing care or support to a critically ill family member or gravely ill family member at end-of-life.

For more information:

- For the Employment Insurance program please visit: <https://www.canada.ca/en/services/benefits/ei.html>
- For Income assistance visit www.sd.gov.bc.ca

Points to Remember:

If you leave your job and the employer won't provide you with your Record of Employment, notify Service Canada.

Under the new Home Child Care Provider Pilot and Home Support Worker Pilot Programs, workers must have or complete 24 months' work experience in Canada before they can submit a permanent residence application.

Losing a job can delay your application but under these new programs, workers have an occupation-specific work permit. This means you can find a better employer without needing a new work permit, as long as the new work is in the same occupation identified on your work permit. If you are a TFW caregiver working on an employer-specific work permit, you need to go through the existing process for changing employers, meaning that the new employer needs an LMIA and you must apply to change their work permit. For more information see:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/extend/change-jobs-employers.html>

MIGRANT CAREGIVER'S MANUAL

SECTION 4 EMPLOYMENT STANDARDS in BC

TOPIC: The Act and Definitions

Why is this important to me?

Your temporary status as a caregiver may make you vulnerable to abuse by employers and employment agencies. If you know your rights under provincial law, you are in a better position to demand and get fair treatment.

Things you need to know:

The BC Employment Standards Act

This law sets out in great detail the wages and working conditions for workers in the province. It covers such issues as minimum wage rates, hours of work, overtime pay, child employment, leave of absence, vacations, deductions, tips, statutory holidays and many other things.

The Employment Standards Branch administers the Act and deals with complaints. There is also a complaints appeal process with the Employment Standards Tribunal.

Definitions

An **employee** is a person who works for another and is entitled to wages, regardless of whether they are employed on a part-time, full-time, temporary or permanent basis.

An **employer** is a person who is, or was responsible directly or indirectly for the employment of an employee.

Work is time spent by an employee performing labour or service for an employer. It is time for which wages are payable. Labour or service can be performed in the employee's residence or elsewhere.

Temporary foreign workers **are** covered by the Employment Standards Act.

For more information:

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/service-tables.html>

Points to Remember:

As a worker in BC, regardless of your immigrant status, you are covered by the BC Employment Standards Act (ESA). You are entitled to the basic provisions of the Act including wages, hours of work, overtime, vacation pay, and statutory holidays.

Talk to your employers if you think they are not meeting the terms of the Act. You can print the "Working in BC" factsheet found in Appendix B and post it in your work place.

Your employment agreement with your employer must match the standards in the ESA or be more favourable. The Act and regulations set minimum standards and no agreement can be lower. Even if you and your employer agree you will work for less than the minimum wage, you can file a complaint to the Employment Standards Branch and recover the wages. If your employer violates any part of your agreement you can file a complaint.

Wages offered to temporary foreign workers should be similar to the wages paid to Canadian and permanent residents hired for the same job and work location, and with similar skills and years of experience.

If the employer is unsatisfied with a worker's performance, they may choose to fire the worker but they cannot lower their wages.

MIGRANT CAREGIVER'S MANUAL

SECTION 4 EMPLOYMENT STANDARDS in BC

TOPIC: Care workers and their Employment Rights

Why is this important to me?

As a migrant worker working in BC, you are protected under the Employment Standards Act. There are specific provisions to further protect domestic workers who live in their employer's home. If you are a caregiver whose contract requires that you live in your employer's home, it is important to understand these provisions.

Things you need to know:

The Employment Standards Act (ESA) defines a "domestic worker" as a worker who lives in the employer's home and is employed to provide cooking, cleaning, child care or other services. If you are a temporary foreign worker, or worker under any other program you too are covered by the Employment Standards Act.

The employer must pay wages in Canadian currency. The employer may pay wages in cash, but the worker should sign a receipt. Wages may be paid by deposit to an employee's savings account in a bank, credit union or other financial institution but only if authorized in writing by the employee.

The employer cannot deduct money from wages to recover the cost of a broken item or other accidental damage to property.

A written contract, must be provided to the employee. It must specify the duties to be performed, the hours of work required, wages to be paid, and any charges for room and board. The employer may ask a worker to record hours worked on a timesheet.

If a worker comes to BC with his/her employers from another country, the same contract can be used but ONLY if it complies with the ESA.

If a worker goes with the employers' family on vacation the worker must be paid if he or she works during the travel, even if the employer has paid flights, hotel and living expenses.

Employment agencies CANNOT charge the worker; they can only charge the employer and the employer cannot deduct the charges from the worker's pay.

For more information:

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/domestic-workers>

Points to Remember:

Live-in caregivers who came to Canada under the Temporary Foreign Workers Program are no longer required to live in their employer's home. If you came through this program, and are living at your employer's home, your employer can not charge you room and board as per the requirement of that program.

Even if you are no longer living in your employer's residence, and do not fall under the definition of domestic worker, you are still covered by the Employment Standards Act.

Unless prohibited by the federal program, an employer can only charge a maximum of \$325.00 per month for room and board.

If you are a live-in caregiver you should keep good records of your work. For instance, maintain a log of your current daily routines, your daily hours worked, and even messages from your employers if they are asking you to work. These records can be used as proof in case you need to file a complaint or if an issue arises regarding your working conditions.

Keep all pay stubs, and other records of the pay you receive.

MIGRANT CAREGIVER'S MANUAL

SECTION 4 EMPLOYMENT STANDARDS in BC

TOPIC: Hiring, Hours of Work, Getting Paid and Termination of Employment

Why is this important to me?

Since you are working in a private home, your employer may not have any knowledge of Canadian employment standards. So it is important for you to be well informed about the responsibilities of employers and employees, your rights as a worker and how to get help if needed.

Things you need to know:

Hiring The Employment Standards Act says employers must provide an employment agreement in writing to workers that meets all minimum British Columbia standards including wages, hours of work, vacation time and pay, ten statutory holidays with pay and the end of employment.

Hours of Work Standard work hours are eight hours in a day and 40 hours in a week. A week is from Sunday to Saturday. Employees can be required to work overtime. Employees who work more than eight hours in a day or 40 hours in a week must be paid one-and-a-half times regular pay for the first four hours of overtime worked, and double the regular pay after 12 hours worked in a day.

Getting paid for Work Employees must be paid twice a month. A pay period cannot be longer than 16 days. All money earned, including overtime and statutory holiday pay, must be paid within eight days of the end of the pay period.

Termination of Employment Both employees and employers can end employment. Employees may be eligible for a job-protected leave of absence if they need to take time off work to deal with illness or life situations. Employees can quit their job at any time. If an employee quits their job they're not paid compensation for length of employment. Employers can end an employees' job by giving written working notice or pay (called compensation for length of service) or a combination of both. There are certain limited exceptions when an employer will not be required to pay compensation for length of service. If an employer proves an employee was fired for just cause there is no requirement to pay compensation for length of service. For more information see: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/termination>

For more information:

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>

Points to Remember:

Employers must provide a record of payment, or "pay stub". It should include a record of hours worked during that pay period, wages and deductions for programs like Canada Pension Plan (CPP) and Employment Insurance (EI).

You may need these pay stubs as proof of employment when you apply for your permanent residence. If your employer is not providing you with a pay stub, talk to them. (See Appendix B for a sample pay stub showing deductions.)

It's illegal to make employees pay for business expenses – even if they agree to do so. Your employer cannot deduct anything from your pay if you break something while doing your work.

A 30-minute unpaid meal break must be provided when an employee works more than five hours. An employee must be paid for meal breaks if they are required to work (or available to work) during their meal breaks. If, during your meal breaks, you are still required to watch the child under your care, then you must be paid.

You should also keep records of your daily routine and hours of work.

MIGRANT CAREGIVER'S MANUAL

SECTION 4 EMPLOYMENT STANDARDS in BC

TOPIC: Recent Changes to the Act

Why is this important to me?

B.C.'s Employment Standards Act is the law that sets minimum standards for workplaces in the province. The government made several changes to the Act that can make a difference for you as a worker. Make sure you are aware of the changes.

Things You Need to Know

Extra unpaid leave without job loss:

An employee can take up to **5 days of paid leave** and 5 more days of unpaid leave per calendar year if they are impacted by domestic or sexual violence. If necessary, an employee can take up to 15 more weeks of unpaid leave. This leave also applies to parents of a child or dependent impacted by this kind of violence.

Employees are entitled to take up to 27 weeks of unpaid compassionate care leave within a 52-week period to care for a family member who is terminally ill.

Pregnant employees can take up to 17 consecutive weeks of unpaid maternity leave. An employer may request a note from a doctor or nurse practitioner that states the expected birth date, the actual birth date, or any other reasons for the leave.

There are other job protected leaves. For more information on job-protected leave of absence:

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/leaves-of-absence#types>

Paid Sick Leaves: You can take up to 5 days of paid leave per year for any personal illness or injury. Your employer may request reasonably sufficient proof of illness. This entitlement is in addition to the 3 days of unpaid sick leave currently provided by the Employment Standards Act.

General Working Age: As of October 15, 2021, general working age in British Columbia is raised from 12 to 16 and defining the types of jobs appropriate for those under 16.

Points to Remember:

The ESA can change. We can continue to lobby for better protection of the workers including temporary foreign workers. Please make sure to check for the current information in the relevant website.

Caring for critically ill family

members: If you are taking unpaid leave to take care of your critically ill family members, you will be eligible to apply for an Employment Insurance Benefit (EI) under Employment Insurance Caring Benefits and Leave provisions. For more information on how you can apply visit:

<https://www.canada.ca/en/employment-social-development/news/2018/09/support-for-families-with-critically-ill-loved-ones.html>

For more information: If you have questions or concerns regarding your entitlements under the Act, or should you wish to file a complaint against an employer, please call the ESB toll-free at 1-833 236-3700 or visit the ESB website at <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>

MIGRANT CAREGIVER'S MANUAL

SECTION 4 EMPLOYMENT STANDARDS in BC

TOPIC: Protections and Complaints

Why is this important to me?

You should know there is a simple process for raising a complaint about workplace treatment; getting assistance in having it resolved, and, if necessary, moving to a more formal complaint resolution or appeal process.

Things you need to know:

If you believe employment standards are being broken in your workplace, try and resolve the issue by speaking with your employer. If the problem is not resolved, start the on-line complaint process.

If you no longer work where the problem occurred, you must make your complaint within six months of when your employment ended. The last full year of your employment will be reviewed. Effective August 2021, the director may exercise their discretion to extend the time limit for filing a complaint on application by the complainant. This extension can be granted even after the time limit for filing the complaint has expired.

If you are still working for the same employer, you must make a complaint no later than six months from when the violation occurred. The full year before the date of your complaint will be reviewed.

After a complaint is filed, the Employment Standards Branch contacts both employer and employee and encourages them to work problems out together. An employer must not mistreat an employee who files a complaint: this includes firing, threatening to fire, discriminating in employment conditions, intimidating, coercing or imposing a financial penalty on the employee. Your complaint may proceed to investigation, mediation or a hearing. Participating in mediation is voluntary.

If a complaint is not resolved, the Director of Employment Standards will issue a written decision that will include penalties against the employer if the Act was violated. The Director will collect any outstanding wages and any penalties. If you want to appeal a decision, you can appeal to the Employment Standards Tribunal. All these processes are free of charge.

Wage recovery: Workers can recover wages owed over the previous 12 months.

Better service: Workers no longer have to use a self-help kit. All complaints accepted for resolution must be investigated by the Employment Standards Branch. The Employment Standards Branch will do more outreach, offer service in more languages and provide better service to workers and employers who have visual or hearing problems.

Points to Remember:

As a foreign caregiver with temporary immigration status, it is understandable that you might hesitate to file a complaint for fear of losing your immigration status. Filing a complaint will not affect your immigration status, however, the risk remains that you can lose your job. If your work permit is occupation-specific under the new pilot programs, you can change employers within the same occupation without needing to apply for a new work permit.

Victims of abuse

If you're being abused or at risk of being abused in relation to your job in Canada, you may be eligible for an open work permit for vulnerable workers. Any behaviour that scares, controls or isolates you could be abuse. Abuse can be physical, sexual, financial or mental. For more information and how to apply: <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/vulnerable-workers.html>

Call 1-888-242-2100

If you need help right away call 9-1-1 or your local police.

For more information: Contact the Employment Standards Branch. Someone can help you in a language of your choice, Monday to Friday, 7:30 am to 5:00 pm

Call toll free 1-833-236-3700 <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/contact-us>

MIGRANT CAREGIVER'S MANUAL

SECTION 4 EMPLOYMENT STANDARDS in BC

TOPIC: Temporary Foreign Worker Protection Act

Why is this important to me?

Migrant workers can often be victims of abuse from employers and recruiters. Understanding the new B.C. Temporary Foreign Worker Protection Act will help you realize you have protection under the law.

Things you need to know:

B.C. Temporary Foreign Worker Protection Act, 2018

The provincial government is providing better protection to foreignworkers by requiring recruiters to be licensed and employers of temporary foreign workers to be registered with the government.

Employers who hire temporary foreign workers in B.C. are required by law to register with the provincial government.

You need to register if you intend to hire a temporary worker through most federal foreign worker programs:

- Temporary Foreign Worker Program (TFWP)
- Seasonal Agriculture Worker Program (SAWP)
- Home Child Care Provider or Home Support Worker pilots
- Other programs that require a Labour Market Impact Assessment (LMIA)

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/hire-temporary-foreign-workers/register-as-employer>

Recruiters help employers in B.C. find foreign workers. Individual recruiters must be licensed in B.C., even if their business or main operations are located outside of the province. Businesses or organizations that offer recruitment services do not get licensed – only individuals are licensed. Recruiters who operate without a licence could be fined up to \$10,000. If an employer in B.C. is using a recruiter to hire foreign workers under the federal Temporary Foreign Worker (TFW) Program, the recruiter must be licensed. <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/hire-temporary-foreign-workers/licensed-recruiter>

Points to Remember:

There are several prohibited practices under the new provincial Temporary Foreign Worker Protection Act.

For example, employers cannot take possession of, or keep, the worker's passport or other official documents. They cannot threaten deportation or other action for which there is no lawful cause.

A recruitment agency cannot require an individual seeking employment to pay a fee for employing or obtaining employment or providing information about employers. They may charge for optional services like preparing your resumé, or assisting in your immigration application.

When dealing with a recruiting agency, make sure the one you use is licensed.

List of registered employers:
<https://services.labour.gov.bc.ca/TFWRegistrationSearch>

List licensed recruiters:
https://services.labour.gov.bc.ca/licensing/TFW_IssuancePublication

For more information:

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/hire-temporary-foreign-workers>

MIGRANT CAREGIVER'S MANUAL

SECTION 5 HEALTH AND SAFETY

TOPIC: Hazards at Work

Why is this important to me? Caregivers face several health and safety hazards on the job but unfortunately, they may get little or no training in how to work safely. Understanding possible risks, how to prevent injury and how to refuse unsafe work can improve your safety on the job.

Things you need to know:

Caregivers face several health and safety hazards while working in the home. These include:

- Risk of illness or infection from changing diapers, or performing first aid procedures.
- Exposure to chemicals in household cleaning products.
- Exposure to soiled linen.
- Working in awkward postures or performing repetitive tasks.
- Lifting or carrying heavy loads.
- Slips, trips and falls.
- Working with sharp knives or other tools.
- Risk of burns from ovens, deep fryers, and steam from pots.
- Stress and fatigue from long hours of work.
- Harassment and violence.

Here is what you can do to improve your safety when working in the home with children or people with high medical needs:

- Learn safe lifting techniques.
- Wash your hands frequently.
- Always wear appropriate personal protective equipment for the task.
- Wear shoes with non-skid soles.
- Know emergency contact numbers and keep them near you.
- Know basic and emergency first aid.
- Practice good housekeeping procedures.

For more information:

- <https://www.worksafebc.com>
- https://www.ccohs.ca/oshanswers/occup_workplace/caregiver.html

Points to Remember:

Workers have health and safety rights including:

- To know about hazards in the workplace
- To participate in health and safety activities in the workplace
- To refuse unsafe work without getting punished or fired

As a worker, you must:

- Report hazards to your employer.
- Follow safe work procedures.
- Use the protective clothing and equipment provided.
- Cooperate with WorkSafe BC representatives.
- Get treatment quickly for any injury on the job and tell the health care provider that the injury is work-related.
- Follow the treatment advice of health care providers.
- Never work under the influence of alcohol or drugs.

MIGRANT CAREGIVER'S MANUAL

SECTION 5 HEALTH AND SAFETY

TOPIC: WorkSafe BC and Claims

Why is this important to me?

If you are injured in the home of your employer you may need to rely entirely on yourself to ensure that work-related illnesses and injuries are reported promptly. If your employer has little knowledge of health and safety, you need to understand how to file a claim and what needs to be reported to WorkSafe BC.

Things you need to know:

WorkSafe BC provides insurance coverage through a no-fault insurance system that protects both the employers who pay for it and workers who receive benefits if injured.

Insurance protects the employer from lawsuits by workers who are injured on the job. Every worker in BC is automatically covered for any work related injury, illness or disease. When workers suffer work-related injuries, illnesses or diseases, WorkSafe BC offers benefits and services, including compensation and support for recovery, rehabilitation and safe return to work.

Employer responsibilities

- The employer must register for coverage and pay premiums. Not registering is against the law and is a financial risk. If a worker is working for 15 hours or more in the home, coverage is required.
- The employer must provide a safe workplace
- The employer must report injuries and diseases and transport a worker for medical treatment if the worker becomes ill or is injured on the job. Any injury must be reported to WorkSafe BC within three days.

Compensation

Compensation for lost wages usually starts with the first regular work shift missed. Wage loss benefits usually continue until you are able to participate in modified work or return to your usual duties.

For more information:

- <https://www.worksafebc.com/en/claims/benefits-services>
- <https://www.worksafebc.com/en/claims/report-workplace-injury-illness>

Points to Remember:

Reporting and Claims

When you suffer a work-related injury or disease, seek medical advice and let your physician know it is work-related. Report your injury to your employer.

In case of injury or illness contact WorkSafe BC. If you haven't missed any work report online.

If you miss work contact WorkSafe BC so they can start your claim.

Call Teleclaim:

1-888-WORKERS (1-888-967-5377)

If this involves sexual assault or sexual harassment Teleclaim staff will connect you with specially trained individuals.

Reporting

The employer should contact WorkSafe BC if a worker is:

- Taken from the workplace for medical treatment
- Breaks eyeglasses, dentures, hearing aid or artificial limb due to a work-related incident
- Misses time after the injury
- Loses consciousness
- Is diagnosed with a work-related disease
- Develops symptoms of a mental health disorder related to work

MIGRANT CAREGIVER'S MANUAL

SECTION 5 HEALTH AND SAFETY

TOPIC: Reporting and Refusing Unsafe Work

Why is this important to me?

If you are working and sometimes living in your employer's home, you may be asked to complete unsafe tasks or work in unsafe conditions. Knowing your rights and the proper steps to take to resolve conflicts can reduce injuries and illnesses.

Things you need to know:

Reporting unsafe work

Whether you work in an office, a factory or in the home of your employer, you have a responsibility as a worker, under law, to report unsafe work. Follow these steps:

- Report the unsafe condition or procedure immediately to your supervisor or employer.
- The supervisor or employer must investigate the problem and make sure any unsafe condition is fixed. This should take place while you are present.
- If you still believe the work is unsafe, you must notify WorkSafe BC. A prevention officer from WorkSafe BC will investigate and take steps to find a workable solution for the employer and the worker.

There is more information on reporting and refusing unsafe work on the WorkSafe BC website at the following web address:

<https://www.worksafebc.com/en/health-safety/create-manage/rights-responsibilities/refusing-unsafe-work>

The Fair Practices Office

The Fair Practices Office provides impartial assistance to any person or organization who has an issue or complaint with WorkSafeBC itself. The office ensures the Workers Compensation Act, the Occupational Health and Safety regulations, and all WorkSafeBC policies, practices and procedures are applied fairly. For more information see:

<https://www.worksafebc.com/en/about-us/fairness-privacy>

Points to Remember:

- Workers have the right to refuse unsafe work.
- If you have reasonable cause to believe that performing a job or task puts you or someone else at risk you must not perform the task or job.
- You must immediately notify your supervisor or employer, who should then take the appropriate steps to determine if the work is unsafe and how to remedy the situation.
- As a worker you have the right to refuse to perform a specific job or task you believe is unsafe without being disciplined by your employer

MIGRANT CAREGIVER'S MANUAL

SECTION 6 HUMAN RIGHTS

TOPIC: The BC Human Rights Code and Tribunal

Why is this important to me?

Newcomers and workers of colour may face discrimination. It is important to be aware there is legislation and a conflict resolution process in place in British Columbia if you face discrimination in housing, employment or service delivery.

Things you need to know:

The **B.C. Human Rights Code** was created to prevent discrimination, and to promote a climate of understanding and mutual respect where all are equal in dignity and rights.

The Code prohibits discrimination in several areas including employment, tenancy, wages, purchase of property and provision of services in places like hotels, stores, restaurants, schools, community centres, or strata councils.

There is a process for making and resolving complaints of discrimination. The **Human Rights Tribunal** helps settle complaints. It may dismiss a complaint or may hold a hearing. The Tribunal operates like a court but is much less formal and is more flexible.

Employers, landlords and those who provide services to the public, have a duty not to discriminate. In the employment context, this could include refusing to hire someone because of their race, denying someone a promotion or benefit because of their gender, refusing to return someone to work who has a disability, or engaging in sexual, racist or homophobic harassment. An employment agency could also be held responsible if they refuse to refer a person for employment because of a personal characteristic that is protected by the Code.

The duty to not discriminate includes a duty to take all reasonable steps to avoid a negative effect on an individual based on a personal characteristic. This is called a "duty to accommodate."

Discrimination is not just unfair or poor treatment. A person making a complaint of discrimination must show they have a personal characteristic (like age, sex, or race) that is protected under the Code. Their poor treatment must be connected to this personal characteristic.

For more information: <https://www.bchrt.bc.ca/law-library/info-sheets-and-guides/guides/human-rights-guide/>

Points to Remember:

Everyone has the right to be free from discrimination in employment, including advertising, hiring, firing, wages, hours of work, benefits and the work environment.

The BC Human Rights Code prohibits discrimination on a number of different grounds, including

- Race
- Colour
- Ancestry
- Place of origin
- Political belief
- Religion
- Marital status
- Family status
- Physical disability
- Mental disability
- Sex
- Gender identity or expression
- Sexual orientation
- Age
- Criminal conviction
- Lawful source of income
- Retaliation

Not all of the above grounds of discrimination will apply in each area covered by the Code.

MIGRANT CAREGIVER'S MANUAL

SECTION 6 HUMAN RIGHTS

TOPIC: Where to Get Help

Why is this important to me?

The Human Rights Code protects you against discrimination in employment, accommodation, and services. If you are a newcomer in Canada, or a vulnerable worker with limited English language skills you may need some help to insist on your right to be free from discrimination.

Things you need to know:

If you need help or legal advice you should contact a lawyer or human rights advocate

BC Human Rights Clinic

300-1140 West Pender St.

Vancouver, BC

V6E 4G1

Phone (604) 662-1100 Toll free 1-855-685-6222

<https://bchrc.net/about-us/contact/>

The Law Centre

225-850 Burdett Ave.

Victoria, BC

V8W 0C7

Phone (250) 385-1221

www.thelawcentre.ca

UBC Law Students' Legal Advice Program

Room 129 Allard Hall

1822 East Mall

University of British Columbia,

Vancouver, BC V6T 1Z1

Phone: (604) 822-5791 www.lslap.bc.ca

Access Pro Bono

Phone (604) 878-7400 Toll free: 1-877-762-6664

<https://www.accessprobono.ca>

For more information:

You can find legal information about human rights on the following websites: <https://www2.gov.bc.ca/gov/content/justice/human-rights/human-rights-protection>

Points to Remember:

The BC Human Rights Tribunal has a series of information sheets available on the website and in Appendix D of this manual.

For more information or to make a complaint contact

BC Human Rights Tribunal

1270-605 Robson Street

Vancouver, BC

V6B 5J3

Phone: (604) 775-2000

TTY: (604) 775-2021

Toll Free: 1-888-440-8844

<https://www.bchrt.bc.ca/tribunal/>

MIGRANT CAREGIVER'S MANUAL

SECTION 7 IMMIGRATION

TOPIC: Pilot Caregiver Programs - Overview

Why is this important to me?

Migrant caregivers are entirely dependent on the immigration policies and programs developed by the Government of Canada. This fact sheet gives you an overview of the new pilot projects and how you are able to qualify under these programs. This is a 5-year pilot program, and will be expiring in 2024.

Things you need to know: As of June 18, 2019, migrant caregivers coming to Canada, or those who are already in Canada, may be able to apply for permanent residence through the Home Child Care Provider Pilot or Home Support Worker Pilot.

In order to qualify for these new pilots, your work must be under the following NOC:

Home Child Care Provider: NOC 44100, other than a foster parent
<https://noc.esdc.gc.ca/Structure/NocProfile?objectId=wz4c29KaaGpuTryRqLAhMDyDT5t0eiq7otlN%2BXp3OSY%3D>

Home Support Worker NOC 44101
<https://noc.esdc.gc.ca/Structure/NocProfile?objectId=IC9YdwnmQtC72tbdrTt3h5Mw2Xlda7oMTsjv2K9n74g%3D>

There are four categories that you can apply for:

- Home Child Care Provider Pilot: Gaining Experience category
- Home Child Care Provider Pilot: Direct to permanent residence category
- Home Support Worker Pilot: Gaining Experience category
- Home Support Worker Pilot: Direct to permanent residence category

Each pilot has 2,750 yearly cap on how many can apply, divided into:

- Gaining experience category: 1,650 applications
- Direct to permanent residence category: 1,100 applications

The caps are reset every January 1 of the year.

The category that you apply depends on whether your work is under the two NOC's and if whether you meet the required work experience or not.

- If you are already in Canada and working as an In-home Caregiver, who has a work permit through the Temporary Foreign Workers Program (TFWP) (with LMIA), and if you have at least 12 months of qualifying work experience, you can apply under the Direct to permanent residence category for these pilots. You and your family members included in the application will receive PR if the application is approved.
- If you do not have the required experience, then you must apply under the Gaining Experience category.

Points to Remember:

- If your application is approved under the Gaining Experience category, you will be issued an occupation-specific work permit. This means you can change employers without applying for a new work permit. You can also apply at the same time for an open work permit for your spouse and study/work permit for eligible children to bring family members to Canada
- The new pilot programs have no live-in requirements.
- Please ensure that you always have a valid work permit and status in Canada. Staying in Canada without valid status can result in deportation.
- Do not engage in any unauthorized work – or work other than what is on your work permit.
- It is always important to get your information or immigration advice from reliable sources. If you have any questions you can contact Immigration, Refugees, and Citizenship Canada (IRCC) or reach out to organizations like the Committee for Domestic Workers' and Caregivers' Rights (CDWCR).

For more information:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker.html>

MIGRANT CAREGIVER'S MANUAL

SECTION 7 IMMIGRATION

TOPIC: Pilot Caregiver Programs - Eligibility Requirements

Why is this important to me?

Understanding the requirements of the new Pilot Caregiver programs will help you and your family complete the process to be able to legally stay and work in Canada.

Things you need to know:

Following are the Eligibility Requirements to apply:

- have a genuine and valid job offer (NOC 44100 and NOC 44101) – **this is only required for the Gaining Experience Category**
- are able to do the job
- meet the language level
- meet the education requirement
- are admissible to Canada
- plan to live outside the province of Quebec as a permanent resident

Education requirements: completed Canadian one-year post-secondary education credential or higher, or an Educational Credential Assessment (ECA) from an approved organization **equal to a completed** Canadian one-year post-secondary education credential or higher. This can be a degree, diploma, certificate or other proof of your education. ECA must be less than **5 years old** on the date that Immigration get your application.

Language requirements: You must meet a minimum score of Canadian Language Benchmark (CLB) 5 in all 4 abilities, include a copy of the **test results** when you apply. Your test results must be **less than 2 years old** when you apply.

Genuine Job Offer: offered using the Offer of Employment IMM 5983 (PDF, 2.33 MB) form, full time, which means at least 30 hours of paid work each week, from a Canadian employer, outside the province of Quebec, from an employer that is not a business, an embassy, a high commission or a consulate, and genuine, meaning there's a real need to hire you

For more information:

Education: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker/some-experience-education-assessed.html>

Language: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker/some-experience-language-testing.html>

Points to Remember:

If you're already working in Canada as a home child care provider or home support worker, you can do one of the following:

- apply to one of these pilots to complete your work experience. You must submit a work permit application with your application for permanent residence, even if you already have a valid work permit.
- keep working on your current work permit until you have 12 months of work experience. If you choose to keep working on your current work permit, follow the instructions for caregivers who have 12 months of qualifying work experience (Direct to permanent residence category) when you have enough work experience. If your work permit is expiring, you can extend:
<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/extend.html>

If you want to change employer, and want to continue working in closed work permit, you can apply for new work permit but will require an LMIA:
<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/apply.html>

Your work must be under the In-home caregiver NOC to apply for PR under the pilots.

MIGRANT CAREGIVER'S MANUAL

SECTION 7 IMMIGRATION

TOPIC: Pilot Caregiver Programs - How to Apply

Why is this important to me?

The following information lets you know how to apply for work permits and permanent residence under the new Pilot Caregiver programs. Understanding the requirements will help you and your family get the documents you need, start the process and be able to legally work and stay in Canada.

Things you need to know:

You **must** apply online through the [Permanent Residence Portal](https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/how-to-apply-online.html) (<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/how-to-apply-online.html>) You'll need to create a new application to be able to apply.

Once you sign in to the portal, choose "Economic" when asked which program you're applying to. You'll then see the 4 categories available for these pilots (as long as the cap hasn't been reached):

- Home Child Care Provider Pilot: Gaining Experience category
- Home Child Care Provider Pilot: Direct to permanent residence category
- Home Support Worker Pilot: Gaining Experience category
- Home Support Worker Pilot: Direct to permanent residence category

Make sure you choose the right category. **If you choose the wrong category, we may return or refuse your application.**

If you have at least 12 months of qualifying work experience, you can apply under **the Direct to permanent residence category** for these pilots.

If you have less than 12 months of qualifying work experience, you can apply under the **Gaining Experience Category**, as long as you meet the other eligibility requirements.

If you already applied under the Gaining experience category. If you have at least 12 months of qualifying work experience, follow the instructions to send us proof of your experience.

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker/some-experience-get-experience.html#send-proof>

For more information:

Gaining Experience Category: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker/some-experience-about.html>

Direct to permanent residence category:
<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker/complete-experience-about.html>

Points to Remember:

You can stay in Canada while waiting for your permanent residence as long as you maintain your legal status. Temporary resident status is valid for a specific period of time and you must ensure that your status as a temporary resident remains valid while you are in Canada. Find out more about extending your stay.

Foreign nationals in Canada whose status has lapsed may still apply to the new caregiver pilots (permanent residence and work permit applications) inside Canada provided they are eligible for, or have already applied for, restoration of their status

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/restore.html>

Before submitting your application, double check all the information provided, and ensure it is truthful and complete. Misrepresentation or false information on your immigration application can result in your application being denied. If you misrepresented any information in your work permit application, you should correct it right away by contacting Immigration, Refugee and Citizenship Canada.

For more information:
<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-0104-home-care-support/pr.html>

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: Career Planning

Why is this important to me?

You must plan for what comes next after you complete your temporary work and after receiving permanent residency status. It is very important to think ahead since the future prosperity of your family can depend on choosing a career pathway that will match your skills, experience and knowledge.

Things you need to know:

Plan your career with the Career Navigator quizzes! You can use this tool as a starting point www.jobbank.gc.ca/career-planning/quizzes

Take the 3 career-oriented quizzes to find out what occupations may be a good fit for you.

Explore careers that match your abilities

- Leverage your strengths. Find out what you are great at, and explore careers that allow you to use your top skills.

See what careers match how you deal with data, people or things

- Choose whether you prefer to work with data, people or things, and get a list of possible career options to explore.

Identify careers that are tailored to your interests

- See where your interests lie, and explore what type of jobs would suit you well.

Then take the 3 self-assessment quizzes to learn more about your personality and to complement your career quiz results.

Find out how you think

- Discover your unique style of thinking and understanding.

Discover your learning style

- Find out if you learn better by seeing, listening or through hands-on experience.

Reflect on your work values

- Think about what values are important to you in your work environment.

For more information:

- <https://www.workbc.ca/plan-career>
- www.issbc.org/service-types/career-paths-for-skilled-immigrants
- www.jobbank.gc.ca/career-planning

Points to Remember:

There are various resources that can help you develop your skills and career to meet the occupation demand.

Once you determine your career path and what training and qualification you need to work in that field, find out if there are training, courses that you can take that are free or subsidized.

Note that there are various career path in the care work – whether child care or caring for people with high medical needs.

Continue to develop and improve yourself.

Here are some resources that may be useful:

<https://www.welcomebc.ca/Work-in-B-C/Career-Paths-for-Skilled-Immigrants>

<https://fastcanada.ca>

<https://issbc.org/our-resources/education-and-training/>

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: Educational Credential Assessment (ECA)

Why is this important to me?

When you apply for permanent residence you will need an Educational Credential Assessment (ECA). This is an independent assessment of the diplomas or certificates you have received outside of Canada. It will also be important for finding the right job and for upgrading.

Things you need to know:

The Educational Credential Assessment verifies that a degree, diploma or certificate is valid and equal to one earned in Canada. You must get your assessment done by one of the following organizations, approved by Immigration, Refugees and Citizenship Canada (IRCC):

- International Credential Evaluation Service (based at BCIT in Vancouver)
- International Qualifications Assessment Service (based in Alberta)
- World Education Services (based in Ontario)
- International Credential Assessment Service of Canada (based in Alberta)
- Comparative Education Service (based at University of Toronto)

All of the organizations above provide services through their websites, but it may be more convenient to use the one in Vancouver where you can apply in person.

Your assessment report must be less than five years old on the date it is received by IRCC, so start the process as soon as possible because the document is good for five years.

Check the websites for more information about the cost and the process. If you are looking to upgrade your skills, check with your college or university to find out which credential assessment service (of the ones listed above) they prefer.

For more information:

Start gathering information from the Immigration, Refugees and Citizenship Canada (IRCC) website.

- www.canada.ca/en/immigration-refugees-citizenship.html

Points to Remember:

- Keep your documents in order.
- Know what the requirements are for your permanent residence application or entry into courses.
- Plan ahead and do not delay acquiring documents you will need.
- Find out how much it will cost for your assessment and start saving.
- Stay up to date on any changes that could affect you.

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: English Language Proficiency

Why is this important to me?

If you want to become a permanent resident you must prove your English reading, writing, speaking and listening skills are at Canadian Language Benchmark 5 or 7. This means you need to study and go to workshops as well as paying to write a test recognized by the Canadian government that will assess your English level.

Things you need to know:

The Canadian government recognizes two organizations that assess language skills: the International Language Testing System (IELTS) and the Canadian English Language Proficiency Index Program (CELPIP). Both give tests to check your listening and reading comprehension, writing skills and speaking skills. The CELPIP test and the IELTS-General test are up to three hours long.

Both CELPIP and IELTS offer many tests every week throughout the year at educational centres across British Columbia. Expect to pay at least \$300 for the test. Test results must be less than two years old when you make your application for permanent resident status.

Many different centres and agencies offer workshops and test preparation and advice. Check out the CELPIP or IELTS websites first. Also check the Centre for Canadian Language Benchmarks which has free information and resources on its website to help immigrants improve their level of proficiency in English.

Don't leave taking the test to the very end. Start to study as soon as possible. Here are some tips:

- Study with a friend
- Read the newspapers or the Reader's Digest at your library
- Listen to the radio and tv news
- Regularly watch a tv drama or game show
- Use the practice test books for IELTS-General or CELPIP available at your local library.

For more information:

- www.canada.ca/en/immigration-refugees-citizenship.html

Before you pay for workshops and study aids, check online for free information, free practice tests and assessments.

- <https://www.ielts.ca>
- <https://www.celpip.ca/>
- <https://www.examenglish.com/>

Points to Remember:

- Know what documents are required as part of your application for Permanent Resident status.
- Start to gather all the necessary documents as early as possible.
- Stay up to date with any changes being made by the Immigration, Refugee and Citizenship Canada (IRCC).
- Keep in touch with the Committee for Domestic Workers' and Caregivers' Rights for updates and workshops.
- Decide whether CELPIP or IELTS is right for you and start preparing using their test materials.
- Don't pay for materials and sample tests if you can find them for free—there is a lot of material on-line and at libraries. Save your money to pay for the test itself.

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: Skills Upgrading

Why is this important to me?

If you want to build a future in Canada for yourself and your family, and find the right career, you must keep your knowledge up-to-date. You may even need to upgrade your job skills throughout your working life.

Things you need to know:

There are many services in Canada that offer skills training and others that can help you find the right career path.

Career Paths for Skilled Immigrants helps professionals with foreign credentials move quickly into jobs that match their background. They provide information, language training, career planning and coaching.

Settlement agencies often provide short training courses for entry-level jobs. These agencies may also be able to help you find local employers who will provide on-the-job training.

WorkBC is a government agency with information about many employment and upgrading programs in the local area.

<https://www.workbc.ca>

Post-secondary institutions in Canada offer career training and upgrading programs. You can search online or contact the school itself to find out about their programs. If you are in a regulated profession, the regulatory authority can recommend schools that offer the appropriate programs.

The Centre for Canadian Language Benchmarks offers English language assessment online and other services and information that can help you meet language requirements for your job or certification. The service is recognized by the Canadian government. The Centre for Canadian Language Benchmarks is at:

www.language.ca

For more information:

For information on settlement agencies and the Career Paths for Skilled Immigrants programs visit:

<https://www.welcomebc.ca/Start-Your-Life-in-B-C/Settlement-Services>

Points to Remember:

- Before you spend money, find out if any services are provided for free.
- Rely on services provided by government-recognized agencies and organizations.
- Ensure that certificates being offered are legitimate and recognized.
- Collect your documents, certificates and diplomas from your home country.
- Make sure your resumé or c.v. meets Canadian standards.
- Save for your Educational Credentials Assessment and don't delay in getting this report done.
- Take advantage of the programs from various settlement services:

MOSAIC

<https://mosaicbc.org>

ISS of BC

<https://issbc.org/program-types/learn-english/>

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: Budgets and Saving

Why is this important to me?

In Canada you can improve your financial situation and make a better future for yourself and your family. Good financial knowledge or financial literacy will help you make informed decisions about spending and saving in order to achieve your goals.

Things you need to know:

Budget to help yourself balance your income with your regular expenses and help reach your financial goals. Know how much you make, and how much you spend. Ensure that you are spending on things you really value or things that help you reach your goals.

You can budget for big expenses coming in your life. For example, if you aim to apply for permanent resident status within 24 months, start saving early for the fees. If you need \$2,400, you must save \$100 every month and start as soon as you arrive in Canada.

Savings should match the goals you set for yourself. After you meet your basic needs, make investments that boost income or save for activities that give you lasting value -- travel to relax, visit family, or education.

Common Investments in Canada

Savings account – This bank account pays interest on your deposits.

Guaranteed Investment Certificate (GIC). Money is deposited for a fixed period of time, and a set rate of interest is paid. If you purchase a "cashable GIC" you can withdraw all or part of the funds at any time without penalty. GICs are also known as Term or Fixed Deposits.

Mutual funds -Funds made up of amounts pooled by investors and managed on their behalf by a manager.

Stocks -Are issued by corporations and may pay dividends to stockholders.

For more information:

If there is any problem with your bank accounts, for example, unauthorized withdrawals, or an inaccurate statement, talk to the staff at your branch or Service Centre. Don't hesitate to ask to speak with the bank manager if you are unsatisfied with the answers you have received.

Points to Remember:

- Never share your PIN or password with anybody including staff at banks or credit unions
- Never respond to emails, texts or calls asking you to provide bank information. Financial institutions do not ask their clients to do such things.
- Your Social Insurance Number (SIN) is not required to apply for credit.
- SIN is required for RRSP, TFSA and interest bearing accounts.

The Financial Consumer Agency of Canada supervises financial institutions. Your financial institution must:

- Provide consumers with information about fees, interest rates and complaint handling procedures
- provide proper notice if closing a branch and in most cases must cash a federal government cheque up to \$1,500.
- open a deposit account when acceptable identification is presented.

Send consumer complaints to:
Financial Consumer Agency of Canada
Telephone 1-866-461-3222 .

<https://www.canada.ca/en/financial-consumer-agency/services/complaints.html>

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: Credit and Borrowing

Things you need to know:

Credit and Borrowing

People borrow money

- For unexpected bills like car repairs or emergency travel
- For "big buys" like a house or a car
- To invest money and increase the value of savings when the cost of debt is lower than the return
- For education and training to improve knowledge and skills that might lead to a higher-paying job
- To take advantage of special opportunities

Most of the above reasons are considered "good" credit. Borrowing to support a lifestyle you cannot afford is considered "bad" credit.

Credit History is a measure of your reputation for paying bills and paying back money you have borrowed. Establishing a good credit history will help you when you need a loan to make a big purchase, such as a car, home or when starting a new business. Don't spend over your credit card limit, and always pay off your balance promptly.

Do's and Don'ts of Building a Credit History

Do:

- ✓ Get a credit card to build your credit history
- ✓ Try to pay your bills in full
- ✓ Make sure that your monthly account statement is correct
- ✓ Pay your bills on time
- ✓ Limit yourself to just one or two credit cards
- ✓ Know what your credit report says about you

Don't

- ☒ Don't accept or use any form of credit until you understand and are comfortable with its terms and conditions
- ☒ Don't go over the credit limit on your credit card
- ☒ Don't wait to report any unauthorized transactions on your account
- ☒ Don't use your credit card to supplement your monthly income
- ☒ Don't spend more than your budget

Ask for free and confidential help. Contact :Credit Counselling Society of BC, 1-888-527 8999 Email: info@nomoredebts.org

Points to Remember:

Equifax Canada and TransUnion Canada are national agencies that keep credit reports on individuals.

A company or individual, with our consent, can access your report when you apply for a credit card or when you apply for a line of credit.

A report includes

- personal information
- credit information
- public records
- debt collection information
- credit report inquiries

You are entitled to a free credit report from each of the two agencies mentioned above.

Contact:

Equifax Canada
National Consumer Relations
Box 190
Montreal, Quebec H1S 2Z2
Fax (514)-355-8502

TransUnionCanada
Consumer Relations
Suite 201,
3155 Harvester Road
Burlington, Ontario
L7N 3N8

MIGRANT CAREGIVER'S MANUAL

SECTION 8 YOUR FUTURE

TOPIC: Retirement and Insurance

Why is this important to me?

As you settle in Canada, it is important to establish ways to manage and protect your finances, and to start saving for your future, including your retirement.

Things you need to know:

Savings plans

There are several ways to save for your retirement or for large expenses you expect to have later in life. Talk to your bank, credit union or your financial advisor to see if these plans are right for you;

Registered Retirement Savings Plan (RRSP):

This is a tax-deductible savings plan, which can help lower your income tax. Each year, you can deposit money into your RRSP. You can use this money when you retire, or for a down-payment on your first home. Any money withdrawn from an RRSP is taxed (except for money withdrawn to purchase your first home).

Registered Educational Savings Plan (RESP):

Parents in Canada can use this savings plan to put money aside for their children's post-secondary education. Amounts put into the plan are tax deductible.

Tax-Free Savings Account (TFSA):

The TFSA is a way for individuals who are 18 and older and who have a valid social insurance number (SIN) to set money aside, tax-free, throughout their lifetime. Savings in a tax-free account are not deductible for income tax purposes.

Insurance

If you have family, having insurance can become a necessity. There are different types of insurance – life insurance, property insurance, medical or critical illness insurance. Take time to understand the different types and find which best fits your needs. Your bank or an insurance agent or mortgage broker can help find the best insurance for you.

For more information:

<https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/rrsps-related-plans/registered-retirement-savings-plan-rrsp.html>

<https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/registered-education-savings-plans-resps.html>

<https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/tax-free-savings-account.html>

Points to Remember:

Talk to your bank or financial advisors about managing your finances.

Beware of fraud. As a new-comer in Canada, you may be vulnerable. Do not give personal information on a phone call or in an email.

Government agencies like Revenue Canada do not phone you. They communicate through mail.

ACKNOWLEDGEMENTS

The Migrant Caregiver's Manual was inspired by a Caregiver Manual produced by INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers in Toronto in the 1990s. The Vancouver Committee for Domestic Workers and Caregivers Rights (CDWCR) produced a similar manual but due to lack of funding, it was last updated in 2008. Thanks to the project funding from the Migrant Worker Support Network (MWSN) under the Employment and Social Development Canada (ESDC) and a funding collaboration with MOSAIC, the new Migrant Caregiver's Manual is now a reality.

Each of the fact sheets in this Manual contains the voices, experiences and needs of migrant caregivers who came to Canada from 1980 to the present. Many migrant caregivers participated in our focus groups and workshops and did their own research for this publication. Their time and effort mark their ownership of this Manual. Thank you.

There were also many volunteer hours of planning, organizing and facilitating the focus groups and workshops, drafting the fact sheets and finalizing this Manual. Thank you to the CDWCR Steering Committee Members (2019/2020) for their valuable time and commitment into completing this project: Maribel Aloria, Cenen Bagon, Lotis Caluza, Judith Diesta, Julie Diesta, Ludy Inting, Angelina Lisao, Newnelyn Nabor and Lorina Serafico.

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The Migrant Caregiver's Manual is not the only project CDWCR worked on in 2019. CDWCR has continued its Caregivers Network Project (Care-Net Project), English as a Second Language (ESL) Program and other networking, social and fundraising activities. We thank our allies in the labour and women's movements for their continuing financial and political support including: the BC General Employees' Union (BCGEU); Hospital Employees' Union (HEU) which in addition donated the printing of additional copies of the Manual's first edition; Movement of United Professionals (MoveUP); Vancouver & District Labour Council (VDLC); Asian Women for Equality Society; BC Employment Standards Coalition; Migrant Rights Network (MRN); Vancouver Rape Relief and Women's Shelter (VRRWS); and Worker Solidarity Network (WSN). Without their support we would not be able to accomplish our projects with the same level and quality of work as we do now.

Finally, CDWCR is indebted to Mary Rowles for sharing her expertise by editing, validating, organizing and formatting the Migrant Caregiver's Manual. The volunteer work she contributed to this project was far beyond expectation! Thank you so much.

Appendix A

Overview



1600s-1900s
Slavery is practiced in New France (Canada) from 1632 until abolished in 1834. Enslaved Indigenous and African people are referred to as domestiques or servants.

GIVING WORK IN CANADA

by KWENTONG BAYAN COLLECTIVE

1867
Canada is established on Native land. Some celebrate the birth of a nation, others recognize it as broken treaties, land expropriation, and the genocide of Indigenous Peoples.

190
Canadian government recruits workers from England, Ireland and Finland as domestics and nurses. They are allowed permanent residence in Canada.

190-1911
First Caribbean Domestic Scheme: 100 women from Guadeloupe are recruited to work temporarily in Canada as caregivers. When no longer needed, most are deported.



After WWII, Canada recruits 111 female workers from the British colonies, mainly Jamaica and Barbados. These women receive low pay and no permanent residency.

195-1966
Second Caribbean Domestic Scheme: some caregivers allowed to apply for permanent residency after one year of working in Canada.

1967
The Points System: prospective immigrants must pass a points test that privileges skilled and educated workers.

Temporary Employment Authorization Scheme: provides giving to skilled workers and issues domestic workers conditional temporary work permits.

GOOD WORK IS GOOD TO YOU

STAY

In order to meet the high demand for caregivers in Canada, some immigration officials advise women not to declare their children in Jamaica, as a condition to allow this entry. A national protest campaign led by women present their case to the Supreme Court, which wins the right to stay in Canada.

1981
Foreign Domestic Movement: domestic workers with temporary work permits can apply for permanent residence after two years work in Canada. This makes them vulnerable to abuse and exploitation.



1992
Live-in Caregiver Program: domestic workers can apply for permanent residence after two years work in Canada. This makes them vulnerable to abuse and exploitation.



2010
Juana Tejada Law: Eliminates the requirement for live-in caregivers to undergo a second medical examination when applying to become permanent residents. Inspired by the late Juana Tejada, a live-in caregiver who developed cancer and was deemed medically inadmissible as a result.

2011
Ontario's new employment standard Act comes into effect. It grants the same rights to all employees.



2014
Caregiver Program: The live-in requirement is eliminated. Two new pathways are introduced - childcare providers and caregivers of people with high medical needs. Only 2,750 caregivers from each pathway will receive permanent residency each year.



2016
The Federal government repeals the 4-and-4 rule. Migrant workers from across Canada celebrate the win and continue to demand permanent status or landing for all migrant workers.

Caregiving Work in Canada

Poster by Kwentong Bayan Collective Introduction by Ethel Tungohan

Canadian families have always relied on domestic workers. This was true before Confederation, when Canadian families used Indigenous and Black women as slaves. This was also true afterwards, when the Canadian government recruited women from overseas to work as domestic workers. Due to its "white settler" policy, the Canadian government recruited British and Western European women to come as domestic workers because they were "mothers of the nation" and gave these women Canadian citizenship. In contrast, in the early and mid-1900s, women from the Caribbean came to Canada and were either individually sponsored by Canadian families or came under the Caribbean Domestic Scheme (CDS). Under the first and second CDS, which respectively took place between 1910 and 1911 and between 1955 and 1966, the Canadian government saw Caribbean "servants" as the beneficiaries of Canadian "generosity." Most women under the first CDS were deported after their contracts whereas women under the second CDS could only apply for permanent residency (PR) after working for their employers for one year.

While the points-system eradicated racial preferences in immigrant selection, the establishment of the Non-Immigrant Employment Authorization Program (NIEAP) in 1973 created a hierarchy among migrants. Those who qualified for entry under the points-system were "high-skilled" and were eligible for Canadian citizenship whereas those in "low-skilled" professions such as domestic work could only live and work in Canada on a temporary basis. In response, in 1979 "seven Jamaican mothers" who came to Canada as domestic workers launched a campaign proclaiming that if domestic workers were "good enough to work," they were "good enough to stay." As a result, the seven mothers were given the right to stay in Canada. More importantly, their activism garnered the support of other domestic workers and galvanized the Canadian public, leading to the establishment of the Foreign Domestic Movement (FDM) in 1981, which gave domestic workers the right to apply for PR upon completing a two-year live-in work requirement.

In the ensuing years, domestic workers continued their campaigns for better policies. After the founding of the Live-in Caregiver Program in 1992, domestic workers lobbied for improvements. In 2001, their efforts led the Ontario government to include domestic work in the Employment Standards Act. In 2010, the Juana Tejada law was passed. Inspired by Juana Tejada, a caregiver who was denied PR because she had cancer and was deemed "medically inadmissible," the law eliminated the required medical test for caregivers who want to apply for PR.

In 2015, because of domestic workers' lobbying, the live-in requirement was eliminated. Nevertheless, the new Caregiver Program (CP) severely constrained the ability of domestic workers to get PR. Under the CP, caregivers are either "babysitters" or "high-medical needs" workers, and they have to complete language and licensing requirements before being eligible for PR. In addition, a quota of 2,750 applicants in each stream was established, which means that caregivers who fall outside this quota cannot apply for PR. As always, domestic workers are active in contesting these policies.

Biographies

Kwentong Bayan is a collective with a critical and intersectional approach to community-based art, labour, and education. They are developing the comic book, *Kwentong Bayan: Labour of Love*, in close collaboration with caregivers, advocates, and community allies about the real life stories of Filipina/o and Filipinx* migrant caregivers working in Canada under the Live-in/Caregiver Program. In the Filipino language, "kwentong bayan" is the literal translation of "community stories." And "Labour of Love" reflects our understanding that both community-based artwork and caregiving work is rooted in love, is valuable, and deserves respect. Website: lcpcomicbook.com.

* We use the terms *Filipino/a*, *Filipin@*, and *Filipinx* to acknowledge fluidity of gender identity in our communities.

Jo Si Malaya Alcampo (Writer) is an interdisciplinary artist whose art practice includes community storytelling, interactive installations, and electroacoustic soundscapes. Jo works with Caregiver Connections, Education and Support Organization (CCESO) an organization that supports migrant caregivers and is a member of the Kapwa Collective a mutual support group of Filipinx Canadian artists, critical thinkers, and healers bridging narratives between the Indigenous and the Diasporic, and the Filipino and the Canadian.

Althea Balmes (Illustrator) is a multidisciplinary visual storyteller interested in collaborative creative expressions to tell stories and make art. She uses her strong connection to her culture and her place as a diasporic Canadian woman of colour to inspire her work and as a way to connect to others. She teaches visual storytelling workshops throughout Toronto.

Ethel Tungohan is an Assistant Professor in Political & Social Science at York University. She is also a community activist and has participated in campaigns seeking justice for temporary foreign workers and caregivers. To read more of her work, www.tungohan.com.

Further Reading

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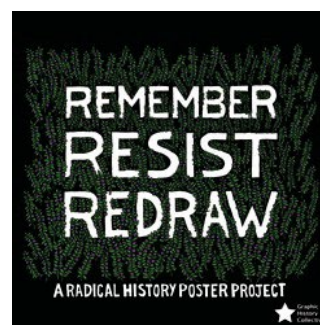


Illustrate · Educate · Organize

www.graphichistorycollective.com

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The original artwork for this poster was produced by Kwentong Bayan Collective for the *BAYAN Exhibition* at the A Space Gallery with the generous support of our community. See our full acknowledgements on the GHC website.



Appendix B

Employment Standards Act

Employee Pay Stub

EMPLOYER NAME _____

TELEPHONE _____

ADDRESS

EMPLOYEE NAME _____

SN _____

ADDRESS

PERIOD ENDING _____

PAYDATE _____

EARNINGS	RATE	HOURS	CURRENT	YEAR TO DATE
<u>Regular</u>				

GROSS PAY _____

DEDUCTIONS		
Federal Tax		
Provincial Tax		
EI		
CPP		
other: Room & board		
TOTAL DEDUCTIONS		

NET PAY _____

The law in B.C. sets standards for payment, compensation and working conditions in most workplaces. For more information, please contact the Employment Standards Branch:

Toll free: 1-833-236-3700 | gov.bc.ca/employmentstandards

MINIMUM WAGE

Employees must be paid at least minimum wage regardless of:

- How they are paid – hourly, salary, commission or other incentive basis
- Their status – full time, part-time, temporary or permanent

The minimum wage in B.C. as of June 1, 2023 is \$16.75 per hour.

Other employee groups like live-in home support workers, resident caretakers and certain farm workers have different wage rates. Check the Employment Standards Regulation for more info.

TIPS AND GRATUITIES

Employers can collect tips and distribute them to all employees who shared in earning them. Employers cannot withhold tips or force employees to give their tips to them unless they're required to do so by law (e.g. a court order to garnish wages).

Employers can only take a share of tips if they regularly do the same or similar work as the employees who share tips.

MINIMUM DAILY PAY

An employee who reports for work must be paid for at least 2 hours, even if they work less than 2 hours. If the employee is scheduled for more than 8 hours, they must be paid for at least 4 hours.

If work stops for a reason beyond the employer's control, the employee must be paid their minimum daily pay or the actual time worked, whichever is longer.

An employee is only paid for time actually worked if:

- They are unfit to work
- They do not meet WorkSafeBC health and safety regulations

MEAL BREAKS

A 30-minute unpaid meal break must be provided when an employee works more than 5 hours in a row. Employers are not required to provide coffee breaks.

An employee must be paid for the meal break if they're required to work (or be available to work) during their meal break.

PAYDAYS AND PAYROLL RECORDS

Employees must be paid at least twice per month. Pay periods cannot be longer than 16 days.

All wages earned, including overtime and statutory holiday pay, must be paid within 8 days after the end of the pay period.

Employers must provide a pay stub (wage statement) every payday. It should include:

- The employer's name and address
- The hours worked by the employee
- The employee's wage rate and how the wages were calculated (e.g. hourly, salary, flat or piece rate, commission, or other incentive basis)
- The employee's overtime rates
- The hours worked at overtime rates
- Any money, allowance or other payment the employee is entitled to (e.g. vacation pay or statutory holiday pay)
- The employee's gross and net wages
- Any amounts withdrawn from the employee's time bank and how much time remains
- The employee's wage rate and how the wages were calculated
- The amount and purpose of each deduction

Employers must keep payroll records for each employee for 4 years.

An employee must be paid final wages if their job ends:

- Within 48 hours, if they are terminated or laid off
- Within 6 days, if they quit

Final wages includes everything the employer owes the employee – for example, regular wages, overtime, statutory holiday pay, compensation for length of service, and vacation pay.

OVERTIME

Employees are paid time-and-a-half for any time worked over 8 hours in a day, up to 12 hours. Employees are paid double time for any time worked over 12 hours in a day.

Employees are paid time-and-a-half for any time worked over 40 hours in a week, counting only the first 8 hours worked each day.

An employee can make a written request to bank their overtime hours instead of being paid for them during the pay period when they're earned. Hours need to be banked based on the overtime rate they were earned at. Later on, the employee can ask for:

- Part or all of the wages in the time bank to be paid out
- Time off with pay for a period agreed upon by the employer and employee

AVERAGING AGREEMENTS

An employer and an employee can agree to average work hours over 1, 2, 3, or 4 weeks.

Averaging agreements must be:

- Agreed to before they start
- In writing
- Specify a start and end date

Employees are paid overtime if they work more hours than their regular schedule:

- They are paid time-and-a-half when they work more than 8 hours in a day if the extra hours are more than their regular schedule **or**
- They are paid time-and-a-half for hours worked over an average of 40 hours in a week during the agreed averaging period (e.g. 80 hours averaged over 2 weeks)

UNIFORMS & SPECIAL CLOTHING

If employers require a uniform or special clothing, they must provide them to employees at no cost. They must also pay to clean and maintain these items or agree to reimburse employees for doing it. They cannot charge employees a deposit for uniforms.

Special clothing is any item that creates a specific image, including items:

- Chosen by the employer
- Purchased from a specific store, including garments the business is selling
- In a specific brand or style
- With a company logo or unique company colours

Employers do not have to pay for an employee to meet a general dress code such as business casual, no jeans, no cut-offs, or a white shirt with dark pants.

Employees must purchase their own:

- Clothing needed for protection against the elements
- General purpose work gloves
- Appropriate footwear including safety footwear
- Safety headgear

These items are only considered special clothing or a uniform if it identifies employees with the employer (e.g. a company logo).

TEMPORARY FOREIGN WORKERS

Temporary foreign workers are covered by the Employment Standards Act and are entitled to all of its protections. In addition, many foreign workers have additional protections under the Temporary Foreign Worker Protection Act.

STATUTORY HOLIDAYS

There are 11 statutory holidays in British Columbia:

- New Year's Day
- Family Day
- Good Friday
- Victoria Day
- Canada Day
- B.C. Day
- Labour Day
- National Day for Truth and Reconciliation
- Thanksgiving Day
- Remembrance Day
- Christmas Day

Easter Sunday, Easter Monday and Boxing Day are not statutory holidays in B.C.

Employees get paid for statutory holidays if they're qualified. To qualify for statutory holiday pay, an employee must:

- Have been employed for at least 30 calendar days **and**
- Have worked on at least 15 of the 30 days before the statutory holiday (employees who worked under an averaging agreement do not have to work 15 days)

Statutory holiday pay equals an average day's pay.

Employees who work on a statutory holiday must be paid an average day's pay plus time-and-a-half for hours they work. They're paid double time for hours worked over 12 hours.

Employers and employees may agree in writing to substitute another day for a statutory holiday.

DEDUCTIONS

An employer is required by law to make deductions from employee wages, for example:

- Income tax
- Employment Insurance premiums (EI)
- Canada Pension Plan contributions (CPP)
- A court order to garnish wages

If an employee agrees in writing, other wage deductions can also include:

- Medical premiums
- Repayment of payroll advances or purchases made from an employer
- Accidental overpayments

It's illegal to make employees pay for business expenses, even if they agree to it. This includes deducting expenses because company property was stolen or damaged, or a customer left without paying.

COMPENSATION FOR LENGTH OF SERVICE

When employment ends, employers are required to give employees written working notice or an

equal amount of pay called compensation for length of service. It is not required:

- If an employee works less than 3 months
- If an employee quits, retires or is terminated for just cause

The amount of written notice and/or pay is based on how long an employee has been employed.

- After working for 3 months = 1 week of notice and/or pay
- After working for 1 year = 2 weeks of notice and/or pay
- After working for 3 years = 3 weeks of notice and/or pay, plus 1 week for each additional year of employment (to a maximum of 8 weeks)

Additional notice is required if 50 or more employees are terminated at the same location within a 2 month period.

ANNUAL VACATION

After 1 year of employment, employees can take up to 2 weeks per year off for vacation. After working for 5 consecutive years for the same employer, employees can take 3 weeks off.

Vacation time must be taken within 12 months of earning it. That means employees earn vacation during their first year of employment and use it during the following year.

Vacation time is taken in periods of one or more weeks. Employees can ask to take just 1 or 2 days off at a time – it's up to an employer whether or not they want to approve this type of request. Employers cannot require employees to take vacation in periods of less than 1 week at a time.

Vacation pay is at least 4% of an employee's total wages. Vacation pay increases to 6% after an employee has worked for the same employer for 5 consecutive years.

Vacation pay is calculated on all wages earned from the first day an employee starts employment. It's considered part of an employee's total wages for the year. Vacation pay is not paid to employees who work for 5 calendar days or less.

Vacation pay must be paid at least 7 days before an employee starts their annual vacation. If an employee and employer agree in writing, employees can take vacation pay on every pay cheque.

If employment ends, all outstanding vacation pay must be paid on an employee's final pay cheque – even if they worked less than 1 year.

LEAVES FROM WORK

Employees are allowed to take an unpaid leave of absence for specific reasons. Before taking a leave, they need to let their employer know when and why they need to take the leave. Employers cannot end employment or change a condition of employment because of a leave set out below – unless they get written consent from the employee.

Illness or injury leave (sometimes called sick leave): After 90 days of employment, employees can take up to 5 paid days and 3 unpaid days of job-protected leave in their employment year, based on their starting date.

Maternity leave: A pregnant employee can take up to 17 consecutive weeks. This leave may be extended by up to 6 weeks.

Parental leave: A mother who has taken maternity leave can take up to 61 weeks. Other parents can take up to 62 weeks. The leave can begin at any time within 78 weeks of a baby being born or a child being placed. It may be extended by up to 5 weeks.

Family responsibility leave: An employee can take up to 5 days in each employment year to attend to the care, health or education of a child under the age of 19 in their care. They can also use this type of leave to attend to the care or health of any other member of their immediate family.

Compassionate care leave: An employee can take up to 27 weeks in a 52-week period to provide care for a family member who is terminally ill and is at risk of death within 26 weeks. A medical certificate is required.

Critical illness or injury leave: An employee can take 36 weeks to care for a child and up to 16 weeks to care for a family member over the age of 19. A medical certificate is required.

COVID-19 - Paid vaccination leave: Employees can take up to 3 hours of paid leave to be vaccinated against COVID-19. If necessary, they can take additional paid leave for additional doses.

COVID-19 - Unpaid leave: An employee can take unpaid, job-protected leave for certain reasons related to COVID-19, such as self-isolating or assisting a dependant.

Reservists' leave: An employee who is a reservist for the Canadian Forces is entitled to 20 days of unpaid leave in a calendar year to participate in specific duties.

Leave respecting disappearance or death of child: An employee can take up to 52 weeks if their child disappears and up to 104 weeks for the death of their child.

Leave respecting domestic or sexual violence: An employee can take up to 5 days of paid leave and 5 more days of unpaid leave per calendar year if they are impacted by domestic or sexual violence, plus additional time if necessary.

Bereavement leave: An employee can take up to 3 days if an immediate family member dies.

Jury duty: An employee can take leave to attend court as a juror.

Appendix C

Occupational Health and Safety



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Factsheet #29
Updated: January 2013

OCCUPATIONAL HEALTH AND SAFETY

WorkSafeBC is responsible for the prevention of workplace injury, disease and death in British Columbia.

Under the *Workers Compensation Act*, all employers, workers and others connected with work must comply with the *Act* and the *Occupational Health and Safety Regulation*. The responsibilities under the *Act* and *Regulation* are described below in general terms. For an explanation of how these broad responsibilities apply with respect to your job specifically, you may wish to have a discussion with your employer, supervisor, union (if you have one), or a Workers' Adviser or WorkSafeBC Prevention Officer.

Workers, employers, supervisors, prime contractors, owners, suppliers, and corporate directors/officers have different, and sometimes overlapping, responsibilities to ensure occupational health and safety in the workplace. Where there is overlapping responsibilities, each person has to fulfill them unless it would create unnecessary effort and expense and adversely affect the health and safety of everyone at the workplace. As it is difficult to prove that there is no adverse effect, it is better to ensure that you fulfill all the occupational health and safety obligations.

What are an employer's responsibilities?

An employer must ensure the health and safety of all workers in the workplace. To do so the employer should regularly inspect the workplace, work related equipment, and work processes. After any accident, the employer should also carry out inspections and make necessary corrections or repairs.

An employer must alert workers to hazards at the worksite, provide all necessary protective equipment, first aid, training and supervision for workers to do their jobs safely. The employer must, if possible, correct any hazards brought to its attention by workers.

For more information:
Website: www.labour.gov.bc.ca/wab



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

OCCUPATIONAL HEALTH AND SAFETY

What are a worker's responsibilities?

A worker must protect everyone affected by the work he or she does, by working safely, using designated equipment and clothing, and not work while impaired by drugs or alcohol. A worker must promptly report health and safety violations or hazards in the workplace to his or her employer or supervisor.

A worker must also cooperate with WorkSafeBC, health and safety representatives at the workplace, or anyone else acting with the authority of the *Act* or *Regulation*.

What are a supervisor's responsibilities?

A supervisor must ensure the safety of everyone working under him or her, and be familiar with the occupational health and safety requirements of the *Act* and *Regulation*, and how the requirements apply in the workplace.

A supervisor must ensure that all workers under him or her are aware of all reasonably foreseeable hazards in the workplace, and that they comply with the *Act*, the *Regulation* and any orders made by WorkSafeBC.

What are a prime contractor's responsibilities?

Where there is a multiple-employer workplace, the prime contractor is the directing contractor, employer or other designated person. If there is no selected prime contractor, the owner of the workplace is the prime contractor.

The prime contractor must coordinate the occupational health and safety activities of all people on site, and do everything reasonable to establish and maintain a process that ensures everyone on the jobsite is obeying the *Act* and *Regulation*. For example, the prime contractor must ensure adequate first aid to deal with the injuries that might be reasonably expected at that workplace.

What are an owner's responsibilities?

The owner is responsible for ensuring that the workplace allows everyone working at the site to work as safely as possible. The owner must provide information necessary to identify and control hazards at the workplace.

What are a supplier's responsibilities?

The supplier is responsible for ensuring that whatever material he or she supplies is safe when used as directed. He or she must also provide instructions on the use of any tools, equipment, machines, biological and chemical agents that he or she supplies.

OCCUPATIONAL HEALTH AND SAFETY

The supplier must ensure that all biological or chemical agents are appropriately labelled. He or she must also maintain any equipment as required by the agreements made with employers, owners, or others.

What are a corporate director or officer's responsibilities?

They are responsible for ensuring that the corporation for which he or she is an officer or director complies with the *Act* and *Regulation*, as well as any orders issued by WorkSafeBC.

What can WorkSafeBC do if someone does not fulfill their responsibilities?

WorkSafeBC can make an order against any person or corporation to ensure the occupational health and safety of anyone in British Columbia. It may also remove the certifications of workers not fulfilling their responsibilities under the *Act*, order various financial penalties against employers, or prosecute individuals or businesses not fulfilling their responsibilities under the *Act*.

What orders can WorkSafeBC make?

If appropriate first aid is not available in a workplace, WorkSafeBC may provide it and charge the employer, assess a financial penalty against the employer, and/or order the closure of the workplace until such time as the appropriate first aid is provided.

WorkSafeBC may make orders to be carried out on a timeframe it decides. Orders can be given to prevent accidents, injuries and illnesses, including requiring the employer to:

- change, upgrade or repair its facilities;
- use or not use specific equipment (or to have that equipment tested);
- use new or changed work processes;
- offer a voluntary medical monitoring program for workers;
- post orders given by WorkSafeBC;
- draft, post and distribute reports of actions taken to comply with an order; and
- create or change processes regarding reports, certificates, declarations, and other documents by the employer.

WorkSafeBC can also order a halt to work, if it reasonably believes that an immediate danger of serious injury, illness or death exists. To do so, WorkSafeBC must notify the employer or supervisor on site. WorkSafeBC may also evacuate the workplace, and isolate it with fences, barricades, etc., until the hazard is removed. An order for a work stoppage is valid for up to 72 hours, but can be renewed by WorkSafeBC.

OCCUPATIONAL HEALTH AND SAFETY

An order may be oral or in writing, but if it is oral it must be confirmed in writing as soon as possible. An exception is an order for equipment to not be used and an order for work stoppage, which must be in writing.

If an order prevents a worker from doing his or her regular job, the employer must pay the worker for up to three working days beyond the date the order was issued (or longer, if required by a collective bargaining agreement). During this time, a worker can be given reasonable alternative work.

WorkSafeBC can post any order at any workplace, and the order must not be removed except as stated in the order, or by WorkSafeBC.

Can WorkSafeBC do anything else to ensure that someone fulfills their obligations?

WorkSafeBC is granted special permission to apply to the Supreme Court of British Columbia for an injunction. The court will grant an injunction requiring the person to fulfill their obligations if it is satisfied that there has been a breach of the obligations, and that the person has not or is not likely to comply. If notifying the person of the application would endanger the health and safety of workers, WorkSafeBC does not have to do so.

What can WorkSafeBC do to the certification of someone who fails to fulfill their obligations?

If WorkSafeBC has reasonable grounds for believing that someone who holds a certificate required by the *Act* and *Regulation* has breached a term or condition of that certificate or violated the occupational health and safety requirements of the *Act* and *Regulation*, it can cancel, suspend or place conditions on that certificate. Any suspension must be for a fixed period of time, or until some condition is satisfied.

What financial penalties can WorkSafeBC impose?

WorkSafeBC can levy an administrative penalty against an employer for: failing to take sufficient precautions against workplace accidents, injuries or illness; not complying with the health and safety requirements of the *Act* and *Regulation*, or with any order; or for having an unsafe workplace or working conditions. If the employer acted with reasonable care, an administrative penalty cannot be issued.

An administrative penalty can be for up to \$538,174.28, but if given, no prosecution is possible under the *Act*.

WorkSafeBC cannot impose an administrative penalty on anyone other than an employer.

What other penalties can be assessed against someone who fails to fulfill their obligations?

Any person (including a corporation) that fails to fulfill their obligations under the *Act* and *Regulation* commits an offense under the *Act* and can be prosecuted even if the corporation is not prosecuted.

OCCUPATIONAL HEALTH AND SAFETY

Any prosecution must begin within two years of the date of the offence, and can only begin with the approval of WorkSafeBC.

It is a defence for anyone prosecuted under the *Act*, if they acted with reasonable care toward the obligation they did not fulfill. It is also a defence for workers, if they did not fulfill their obligations because they were instructed to do so by the employer or supervisor and objected to the instructions.

If someone is convicted of an offence, the court can issue a broad range of punishments, including fines and imprisonment. The maximum fine that someone convicted can face for a first offence is a fine of up to \$589,010.00 plus up to \$29,450.52 per day that the offence continued beyond the first. For subsequent convictions, he or she can face a fine of up to \$1,178,019.98, plus up to \$58,901.00 per day that the offence continued beyond the first. Imprisonment can be for up to six months for the first offence, and one year for any subsequent ones. Furthermore, if the offender gained financial benefits as a result of the offence, the court can order that the offender pay an additional fine equal to the amount of that financial benefit.

What if I disagree with a decision?

A worker, employer, owner, supplier, union and dependent of deceased worker, directly affected by an order has the right to have that order reviewed by the Review Division of WorkSafeBC. You, or the employer, must request a review within **90 days**. If the employer is requesting a Review, it must post a copy of its Request for Review in the workplace, provide a copy to the joint occupational health and safety committee or workers' health and safety representative (as applicable), and to any union whose membership works at the workplace.

If you do not agree with WorkSafeBC's decision regarding an order issued by WorkSafeBC, you have the right to appeal to the Workers' Compensation Appeal Tribunal (WCAT). Note that you cannot appeal the outcome of a Review of a decision not to issue an order. You must appeal the Review Division's decision within **30 days**. For more information, please see the Factsheet called *Appeals to the Workers' Compensation Appeal Tribunal (WCAT)*.

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

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Updated: October 2019

FOREIGN WORKERS

This factsheet provides information for workers in British Columbia who are neither citizens nor permanent residents of Canada. The first part is about compensation claims. The second part is about workplace health and safety.

Compensation

What should I do if I am injured at work, or develop a work-related disease?

You must advise your employer or supervisor of your accident or illness right away. You have the right to medical care. Minor injuries may be treated by a first aid attendant, but more serious injuries should be treated at the hospital. You should also follow up with a visit to a doctor's office.

If your injury or illness causes you to miss time from work, or if it persists, you should make a claim for compensation from WorkSafeBC. If your claim is accepted, you can receive wage loss, medical, and other benefits.

How do I make a claim with WorkSafeBC?

Usually, the most convenient way to file a claim is to call their toll free number: 1 888 967-5377. Interpreters are available upon request.

You can also attend in person at one of WorkSafeBC's offices across British Columbia, and obtain an application form.

You can also go to WorkSafeBC's website and file online. The website address is: www.worksafebc.com.

FOREIGN WORKERS

Will the fact that I am from another country, working in British Columbia on a temporary basis, affect my right to file a claim?

The right to file a claim is normally determined by the place of injury, not by your country of origin. If WorkSafeBC determines that your injury resulted from your work in British Columbia, you will likely receive compensation. Each case is assessed on individual merit.

What if my employer is not registered with WorkSafeBC, or does not pay workers' compensation premiums?

You are covered even if your employer is not registered, or does not pay premiums.

I am afraid that if I file a claim I could lose my job. What should I do?

The law prohibits employers from:

- discouraging workers from filing claims, or
- retaliating against workers who do file claims.

Also, employers cannot make deals with workers to give up their right to claim benefits from WorkSafeBC. Any such deal has no effect, and the worker can still make a claim.

If your employer does any of these things, you should contact WorkSafeBC immediately to report the injury, as well as what your employer has done to pressure you. If you wait too long before contacting WorkSafeBC, it may be too late to get enough evidence to support your claim.

For more information, please see our factsheet entitled "Claim Suppression."

What if I am injured while travelling to or from a work site in an employer's vehicle?

Workers are entitled to compensation for injuries that occur while performing work-related duties. If your work-related duties involve travel between work sites, you will likely be covered for an injury resulting from an accident occurring while traveling to or from a work site. You may also be entitled to compensation if you were injured while traveling to or from a single work site in transportation provided by your employer such as a crew bus.

FOREIGN WORKERS

If somebody else is involved in the accident who was not working at the time, you may have a motor vehicle claim under the Insurance Corporation of British Columbia. This is a complicated area of the law, so you should get legal advice as soon as possible after the accident. For further information, please see our factsheet entitled “Third Party Claims.”

How does WorkSafeBC calculate my workers’ compensation benefits if I have been working for only for a short period of time in British Columbia?

If your work injury results in disability that causes you to miss time from your job, WorkSafeBC should cover your lost wages. For the first 10 weeks of your disability, your wage loss benefits will likely be calculated on the basis of your wage rate at the time of your injury. After that, any long term benefits that you may be entitled to will generally be based on your wage rate over the 12 months of work before you were injured. For newcomers to BC, this period may involve a combination of your work time in Canada and your work time in your home country.

This is a complex area and you should consider contacting us to get some specific advice and assistance on your case.

What if I have to leave Canada before a decision is made in my claim, review or appeal?

If you are still waiting for a decision when you leave Canada, your matter will continue to proceed through the decision-making process after you leave. The decision-maker may need further information or documents from you, so it is important for you to give your most current contact information to WorkSafeBC, the Review Division, and the Workers’ Compensation Appeal Tribunal (“WCAT”) whenever your address changes.

Will my benefits continue if I have not recovered by the time that I am required to leave B.C. and return to my home country?

Yes. Your claim continues, and you remain entitled to wage replacement, medical care, and other benefits. You should provide WorkSafeBC with your contact information in your home country, as well as any changes in your banking information.

If WorkSafeBC still considers your disability to be temporary at the time of your departure from Canada, your benefits may change later. WorkSafeBC may ask you to undergo a medical assessment with a health services provider in your country of residence to determine the status of your disability.

FOREIGN WORKERS

If you continue to require health care services for your workplace injury, WorkSafeBC will likely continue to cover the reasonable costs of approved services. However, you may be responsible for finding suitable providers in your country of residence, and for sending expense claims to WorkSafeBC in the proper format.

What if I disagree with a decision on my claim?

If you disagree with WorkSafeBC's decision, you have the right to request a review. You must request a review within 90 days. If you disagree with the Review Division decision, you have 30 days to file an appeal to the Workers' Compensation Appeal Tribunal.

Workplace health and safety

By law, employers must ensure the health and safety of their workers.

If you are concerned about the safety of your workplace, or your employer asks you to do something that seems dangerous, you should immediately report your concerns to your supervisor or other person in authority with your employer. You have the right to refuse unsafe work, and to be informed of dangers at your workplace. If your concerns are not addressed properly, you have a right to report your concerns to WorkSafeBC.

It is illegal for an employer to fire or take any other negative action towards a worker for raising a health and safety concern. If your employer does so, you can file a "prohibited action" complaint with WorkSafeBC. If you are successful in your complaint, WorkSafeBC may order a number of remedies such as requiring the employer to pay you lost wages, or to reinstate you at your job. For more information, please see our factsheet titled "Prohibited Actions Related to Occupational Health and Safety."

To make a report to WorkSafeBC, you can call WorkSafeBC's Prevention Information Line at 1 888 621-SAFE. Interpreters are available on request.

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Updated: December 2019

OCCUPATIONAL HEALTH AND SAFETY: KNOW YOUR RIGHTS AND RESPONSIBILITIES

Workers have rights and responsibilities to protect their health and safety in the workplace. These protections are set out in:

- Part 2 of the *Workers Compensation Act*,
- the *Occupational Health and Safety Regulation* (especially Part 3), and
- WorkSafeBC's Occupational Health and Safety Policies.

In general, workers have the right to a safe workplace and the responsibility to report unsafe working conditions. Employers have the responsibility to ensure a safe workplace and to fix any unsafe conditions within a reasonable amount of time.

If workers and employers cannot agree on health and safety concerns, then WorkSafeBC can get involved, and make rulings and orders as to what is required.

Here are some key workers' rights and responsibilities.

1. Unsafe work

As a worker, you have an obligation to report unsafe work or unsafe conditions in your workplace. You may report these conditions to:

- Your employer or a representative of your employer,
- Your union, and / or
- WorkSafeBC.

You also have the right to refuse unsafe work. If you believe that you are being asked to perform a task that is unsafe, you may refuse to perform it. You must immediately report this refusal to a supervisor or an employer.

OCCUPATIONAL HEALTH AND SAFETY: KNOW YOUR RIGHTS AND RESPONSIBILITIES

Once you have reported your refusal of unsafe worker, an employer must:

- Investigate,
- Fix any unsafe conditions without delay, and
- Inform you if they come to the conclusion that the refused work is actually safe.

If this doesn't settle the matter, your employer must investigate again in the presence of a worker representative who is:

- A member of the joint health and safety committee at your place of employment;
- Another worker selected by your union to be present for the employer's investigation; or
- Any other reasonably available worker selected by you.

If this still doesn't settle the matter, both you and the employer must immediately notify a WorkSafeBC officer. The officer must then investigate as soon as possible, and make whatever orders they deem necessary.

2. Bullying and harassment

Your employer must have policies and procedures to prevent bullying and harassment in the workplace. You are entitled to be informed of these rules and procedures, including how to report instances of bullying and harassment.

Your employer must investigate all reports of bullying and harassment, and take measures to stop any bullying and harassing behaviours occurring in the workplace. If you are not satisfied with the steps taken by your employer to address instances of bullying and harassment in the workplace, you can may report this to WorkSafeBC.

Also, you have the duty to avoid harassing others in the workplace, and the duty to report any harassment you witness to your employer or to WorkSafeBC.

3. Raising health and safety concerns in the workplace

You have the right and duty to raise health and safety concerns. You can report your concerns to your employer, your union, your coworkers, and/or to WorkSafeBC.

Your employer must not retaliate against you, or threaten to retaliate against you, for refusing unsafe work or for raising health and safety concerns. Such retaliation is known as a "prohibited action," and includes:

**OCCUPATIONAL HEALTH AND SAFETY:
KNOW YOUR RIGHTS AND RESPONSIBILITIES**

- Suspension, lay-off, or dismissal;
- Demotion or loss of the opportunity for a promotion;
- Change of duties or workplace;
- Reduction in wages or work hours;
- Coercion or intimidation;
- Disciplinary action, reprimand or other penalty against you; and
- Discontinuation of your job or position.

If you believe that your employer has taken prohibited action against you, you can seek to have this corrected by your union through the grievance process, or by making a complaint to WorkSafeBC, but not both.

For more information, please see our factsheet titled “Prohibited Actions Relating to Occupational Health and Safety.”

4. Participation in an occupational health and safety committee

You have the right to participate in occupational health and safety meetings without financial penalty. Your employer cannot withhold, deduct, or fail to pay you wages for time spent in occupational health and safety meetings. If they do, you can seek to have this corrected by your union through the grievance process, or by making a complaint to WorkSafeBC, but not both.

For more information, please see our factsheet entitled “Prohibited Actions Relating to Occupational Health and Safety.”

5. Taking reasonable care

You are required to take reasonable care to protect your own health and safety, and the health and safety of others in the workplace. This includes:

- Following safety rules and procedures;
 - Using or wearing protective equipment, devices, and clothing;
 - Refraining from horseplay or other unsafe behaviour in the workplace;
 - Avoiding impairment due to alcohol, drugs, medications, or other causes;
 - Reporting unsafe work conditions;
 - Cooperating with your joint occupational health and safety; and
 - Cooperating with WorkSafeBC investigations.
-

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Updated: September 2022

LATE APPLICATIONS FOR WORKERS' COMPENSATION

How much time do I have to apply for workers' compensation in British Columbia?

You must apply to WorkSafeBC for workers' compensation within **one year** of:

- The date of a physical injury, or in the case of a series of injuries, the date of the last injury in the series,
- The date you were disabled from work due to an occupational disease, or,
- The date you first experienced a psychological change after you were exposed to a traumatic event or significant stressor in the course of your work.

You should apply for workers' compensation as soon as possible after your injury, the onset of your disability, or psychological change. This will make it easier for WorkSafeBC to investigate your claim and determine whether it will be accepted.

How do I apply?

You need to report your workplace injury or disease to WorkSafeBC. You can make a report of an injury or disease by filing an Application for Compensation:

- Online at WorkSafeBC's website: <https://www.worksafebc.com/en/claims/report-workplace-injury-illness/how-workers-report-workplace-injury-illness>,
- Over the phone by calling 1-888-WORKERS (1-888-967-5377), or,
- By submitting a hard copy of the Application for Compensation form to WorkSafeBC by fax or mail. You can obtain a hard copy of the Application for Compensation form online or by calling WorkSafeBC and requesting a copy.

What happens if I apply for compensation after more than a year?

If you do not file for compensation within one year of the date of your injury, disablement from occupational disease or psychological change, WorkSafeBC might deny your claim as your application is late. However, WorkSafeBC may still accept your claim for compensation after more than one year if there were **special circumstances** that prevented you from applying within the one-year period.

LATE APPLICATIONS FOR WORKERS' COMPENSATION

You will need to provide WorkSafeBC with your explanation of why you were not able to apply within one year. WorkSafeBC will first consider whether they accept your circumstances as a valid reason for the delay. If WorkSafeBC accepts your explanation, they will then determine if there is enough information available to consider your claim.

What are "special circumstances"?

Examples of factors WorkSafeBC usually accepts as special circumstances are if you:

- did not lose time from work;
- did not lose any income;
- did not need to seek medical attention for some time after your injury;
- did not know about WorkSafeBC; or
- were dealing with medical conditions or other unusual events that prevented you from filing a claim.

WorkSafeBC may also accept matters outside of your control as special circumstances, such as when:

- your doctor did not connect your medical problem to your work-injury, **or**
- someone, such as your employer, a co-worker or a doctor, talked you out of claiming compensation.

This is a partial list, and WorkSafeBC may look at other factors. In all cases, you must provide an explanation of how your circumstances prevented you from applying for compensation within the one-year period.

Your explanation may include information such as:

- why you did not at first think your work caused the injury;
- why your doctor now feels that your work caused the injury; or
- if possible, evidence that someone talked you out of filing a claim (for example, provided lighter job duties, suggested private insurance) or that your doctor told you not to bother.

If I successfully show that there were special circumstances, will I get compensation?

Not necessarily. WorkSafeBC will still have to decide whether there is enough information to make a decision on your claim. For instance, if witnesses cannot remember anything and there is no medical way to connect your current problems to the earlier incident, WorkSafeBC may feel a decision cannot be made to accept your claim. If there is enough information, then WorkSafeBC will determine whether or not to accept your claim following their policies and procedures.

LATE APPLICATIONS FOR WORKERS' COMPENSATION

Usually, WorkSafeBC will only look at your claim after they accept that there are special circumstances. It is unlikely that WorkSafe BC will look at the evidence for your claim, if they determine that there are no special circumstances. However, sometimes WorkSafeBC does look at both the special circumstances and the claim in one decision.

If I receive compensation, what date will the benefits start from?

If WorkSafeBC accepts that there were special circumstances and accepts your claim, then the date your benefits start from depends on how late your application is. If your application was filed **within 3 years** of the date of injury, disablement or psychological change, your benefits will start the day after your injury. If your application is **later than 3 years**, your benefits will start from the date of your late application, and you cannot receive any benefits for the period before that date.

What if there is new medical evidence that shows my disease is work-related?

In some cases, you may have a disabling disease that WorkSafeBC has not recognized as work-related at the time you were disabled from your employment. It may only be later that WorkSafeBC recognizes it as an occupational disease based on new medical or scientific evidence.

The rules are slightly different in this situation. If you apply for compensation **within 3 years** of the date that WorkSafeBC obtained "sufficient medical or scientific evidence" (as decided by WorkSafeBC), your compensation would date from when you were disabled by the disease.

If you apply **later than 3 years** after WorkSafeBC obtained "sufficient medical or scientific evidence", WorkSafeBC would treat your application for special circumstances in the same way that other late applications are considered. If your claim is accepted, your benefits would date from your application for compensation.

How can I show that my claim should be accepted?

In order to increase the likelihood that your claim will be accepted, you should:

- make sure WorkSafeBC has copies of any first aid or accident reports;
- provide WorkSafeBC with statements from witnesses who saw your injury occur; and
- get medical opinions from your doctors, connecting your present condition, whether it is a physical injury, occupational disease or psychological injury, to the work-incident(s) you are reporting.

LATE APPLICATIONS FOR WORKERS' COMPENSATION

What happens if WorkSafeBC determines that there were no “special circumstances” present?

Your claim will be rejected due to the late application and absence of special circumstances.

If you do not agree with a decision made by WorkSafeBC, such as a determination that there were no special circumstances preventing you from filing your claim, you have the right to request for a review of the decision. You must request a review within **90 days** from the date of the decision.

At the Review Division you can present arguments about your circumstances and why you think WorkSafeBC should accept your late application for compensation. The Review Division cannot consider any arguments except those about your special circumstances and why they prevented you from filing your claim on time, unless WorkSafeBC looked at both the special circumstances and whether it should accept the claim together in their original decision.

If the Review Division allows your request and determines that special circumstances were present, your claim application will go back to WorkSafeBC, which will decide on your claim based on its merit and their ability to make a decision with current information.

If the Review Division denies your request, you can appeal the decision to the Workers' Compensation Appeal Tribunal. You have **30 days** from the date of the Review Division's decision to file an appeal.



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Updated: October 2016

WAGE LOSS BENEFITS

What are wage loss benefits?

Wage loss benefits are paid by WorkSafeBC to replace 90% of your wages if you cannot continue working due to a workplace injury or a work-related disease. Wage loss benefits are paid as long as your injuries or disease continue to disable you temporarily from working. If your conditions become permanent, wage loss benefits will end, and you will be considered for a permanent disability award.

Wage loss benefits are paid for total disability or for partial disability. If you are capable of working reduced hours or modified/light duties, you will receive partial benefits which will compensate you for the degree of income loss due to your disability.

How do I get paid?

Wage loss benefits are issued to you every two weeks either by mailed cheque or by EFT (electronic Funds Transfer). In an emergency, you may be allowed to pick a cheque at one of the WorkSafeBC offices.

How soon do I get paid?

Wage loss benefits may be issued once your claim has been accepted. If three weeks have gone by since you filed your claim, you can contact the person handling your claim.

How long do I get wage loss benefits?

You get wage loss benefits while your injury/injuries are temporary. This means that wage loss benefits will end when:

- you recover from your injury; or
- your condition becomes permanent.

WorkSafeBC will usually provide you a decision letter that outlines their decision to stop your wage loss benefits and as of what date.

For more information:

Website: gov.bc.ca/workersadvisers



The Workers' Advisers Office (WAO)

How does the WorkSafeBC determine if a disability is temporary?

A medical condition is considered “temporary” as long as it is likely to significantly worsen or improve within the next six to twelve months. To determine whether this is the case, WorkSafeBC looks at the medical evidence available, including

- reports from your doctor and/or medical professionals;
- the opinion of a specialist as set up by WorkSafeBC; and/or
- the opinion of a WorkSafeBC doctor (usually referred to as the Board Medical Advisor).

What are my responsibilities while I am receiving wage loss benefits?

While you are receiving wage loss benefits, you must inform WorkSafeBC about any work that you do, or employment income that you receive.

If you plan to go on vacation or to leave British Columbia, you must let WorkSafeBC know and get approval from your doctor. If your absence impairs your recovery or your ability to attend medical appointments and/or treatment, WorkSafeBC may suspend or terminate your wage loss benefits.

What if I disagree with a decision?

If you do not agree with the WorkSafeBC decision, you have the right to request a review by the Review Division. You must request a review within **90 days**. If you disagree with the Review Division decision you have **30 days** from that decision to file an appeal to the Workers' Compensation Appeal Tribunal.

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Updated: July 2019

AVOIDING PROBLEMS WITH YOUR CLAIM

Being injured or disabled from work can be a very stressful time. Dealing with WorkSafeBC at the same time you're coping with your medical problems can be a challenge.

Here are some tips that may help you avoid some common problems, and deal with others.

At the start of a claim

- Report your injury or occupational disease to your employer as soon as possible. Failure to do so may result in your claim being denied.
- Seek medical treatment as soon as possible, and tell your doctor that it was a workplace accident. Give your doctor a complete description of all your injuries and symptoms.
- File a claim to WorkSafeBC as soon as possible. You can file your written application online, fax or mail. The form is available on WorkSafeBC's website. You can also make your claim by phone.
- When reporting to WorkSafeBC, be sure to
 - Provide a complete description of when and how you were injured, what injuries you suffered, and all body parts affected.
 - Tell WorkSafeBC who else you reported the injury to, i.e. employer, first aid, or doctor.
 - Provide WorkSafeBC with contact information for your physician or other health care providers.
 - Tell WorkSafeBC if you are missing time from your employer, and if you have any secondary employment.

For more information:

Website: gov.bc.ca/workersadvisers

During a claim

Help WorkSafeBC help you:

- Be sure to provide all of the information and complete all of the forms.
- Arrive on time for appointments, return calls, and keep in touch with the person who is handling your claim.
- Co-operate as best you can in the medical assessment and vocational rehabilitation processes
- Follow up with your doctor on a regular basis, and report on all of your injuries and symptoms. This will enable him or her to report to WorkSafeBC on your progress, and your needs for diagnostic assessment, treatment and medications.
- If your injury or symptoms worsen, see your health care provider immediately and follow up with contacting WorkSafeBC. Ensure this information is well documented.
- If you suffer another injury while in therapy or vocational rehabilitation, report it right away, and make sure that it is clearly documented by whoever is supervising. Also report the injury to your family doctor as soon as possible.
- If you find yourself in the position of not earning wages, and not receiving benefits from WorkSafeBC, you should consider other sources of income, such as E.I., welfare, CPP Disability, and any short term or long term disability insurance coverage that you may have from your employer.

Delays and communication problems

Try to stay calm. While dealing with delays and problems can be very frustrating, emotional outbursts only make things worse.

Your phone calls should be returned within two business days. If this isn't happening, you should contact the person's Client Services Manager. If the manager doesn't resolve your concern, you can contact the WorkSafeBC Fair Practices Office or the B.C. Ombudsman (contact information below).

If you run into difficulties dealing with WorkSafeBC, you should document your communications in writing, and keep copies for your records. This will serve as evidence later, if you need it.

AVOIDING PROBLEMS WITH YOUR CLAIM

WorkSafeBC decisions

Read all letters from WorkSafeBC very carefully, even though they may be long. Pay special attention to long term wage rate decisions. If these are set too low, all of your financial benefits will also be too low, potentially for the whole life of the claim.

You can challenge any decision regarding benefits on your claim. If you think that there may have been a simple misunderstanding, you can ask WorkSafeBC to reconsider the decision. If they agree, they can change the decision so long as they do so within 75 days. Otherwise, you will have to file a request for review with the Review Division with 90 days of the original decision. Be careful not to miss this deadline.

Concerns with WorkSafeBC other than benefits decisions

Sometimes workers have concerns about the way WorkSafeBC has handled their claims that cannot be addressed through reviews. They may feel that WorkSafeBC staff have treated them rudely, acted too slowly, or acted without reasonable competence. In such cases, WorkSafeBC's Fair Practices Office may be able to help. You may also wish to contact the office B.C. Ombudsperson. The contact information for each is as follows:

WorkSafeBC Fair Practices Office

Phone: 604 276 3053
Fax: 604 276 3103
Toll Free: 1 800 335 9330

B.C. Ombudsperson Office

Phone: 1 800 567 3247
Fax: 1-250 387-0198
Website: <http://www.ombudsperson.bc.ca>

Appendix D

Human Rights



Human Rights in British Columbia: What you need to know



This fact sheet has been created to help you understand human rights in B.C. If you have any questions about your situation, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. In B.C., the *Code* helps to protect you from discrimination and harassment. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

How am I protected?

In B.C., you are protected under the *Human Rights Code* if it is due to a personal characteristic covered by the *Code*. The protected characteristics are listed below.

In B.C. it is against the law to discriminate against or harass a person because of their:

- race, colour, ancestry, place of origin
- religion
- marital status
- family status (does not apply to buying property)
- physical or mental disability
- sex (includes being a man, woman, inter-sexed or transgender. It also includes pregnancy, breastfeeding, and sexual harassment)
- sexual orientation (includes being heterosexual, gay, lesbian or bisexual)
- age (19 and older, does not apply to buying property)
- criminal conviction (only applies to employment)
- political belief (only applies to employment)
- lawful source of income (only applies to tenancy)

Where does the *Code* apply?

The *Code* applies to all businesses, agencies, and services in B.C., except those regulated by the federal government. It protects people from discrimination in situations such as at work, in a store or restaurant, or between a landlord and tenant.

It protects people against discrimination in printed publications. It also protects people in areas such as employment, renting, and buying property.

What is discrimination?

In British Columbia, it is discrimination if you are treated badly or denied a benefit because of a personal characteristic.

Examples of discrimination

- Firing a woman because she is pregnant
- Refusing to rent an apartment to a couple because they are gay
- Refusing to hire someone because of a physical or mental disability
- Paying a woman less than a man who is doing the same job
- Forcing an employee to retire because of the person's age

What is harassment?

Harassment is a form of discrimination. It can be words or actions that offend or humiliate you. It is harassment when someone repeatedly says or does things to you that are insulting and offensive. The *Code* protects you when harassment is based on a protected characteristic listed under "How am I protected". There are many types of harassment.

Examples of harassment

- Unwelcome sexual suggestions or requests
- Unwelcome touching or physical contact
- Staring at or making unwelcome comments about someone's body
- Jokes based on gender, sexual orientation, or racial stereotypes
- Comments that make fun of or insult people because of their sex, pregnancy, race or physical or mental disability

What is the Duty to Accommodate?

Employers, landlords, and people who provide a service to the public must try hard to accommodate the personal characteristics protected under the *Code*. This is called the **duty to accommodate**. The accommodation will depend on the specific situation.

For example, it may require an employer to:

- provide someone with additional training
- adjust a work schedule
- modify or purchase equipment
- change an employee's duties

Human Rights in British Columbia:

What you need to know



The **duty to accommodate** also means there is a legal duty to adjust a policy, practice or service. For example, an older person's needs may require that changes be made to the usual way things are done because of that person's age. Refusing to take reasonable steps could be discriminatory unless adjusting to these needs would result in **undue hardship**.

The **duty to accommodate** is the responsibility of the employer, landlord, or person who is providing the service to the public.

Does intent matter?

Discrimination does not have to be **intentional** to be against the law. This means that even if the person responsible for the action or comment did not mean anything bad by it, it is still discrimination according to the law.

How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, **all of the following** must be true:

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and a personal characteristic protected under the Code - such as your race, colour, religious belief, gender, mental or physical disability, or sexual orientation.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

Dealing with discrimination and harassment

There are certain actions you could take if you are being discriminated against or harassed.

- If it is safe to do so, tell the person that their actions or comments are unacceptable and ask them to stop.
- Keep a written record of exactly what happened and when, and of what was said.
- If the discrimination or harassment happens at work, in your apartment building, or in a store or restaurant, ask your employer or landlord or the manager to do something about it.
- Use internal complaint processes to file a complaint at work or school. For example, if the discrimination or harassment occurs at work and you belong to a union, ask your union representative for help.

Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

BC Human Rights Clinic

300-1140 West Pender Street, Vancouver, B.C. V6E 4G1

Tel: 604 622-1100 Toll Free: 1 855 685-6222

Fax: 604 685-7611

Online: www.bchrc.net

If someone has made a complaint against you, you are a **respondent**. **Respondents** anywhere in the province and Victoria-area **complainants** can get information by contacting:

University of Victoria

Law Centre Clinical Law Program

Suite 225 - 850 Burdett Avenue, Victoria, B.C. V8W 1B4

Tel: 250 385-1221 Toll Free: 1 866 385-1221

E-mail: reception@thelawcentre.ca

You may be directed to the **BC Human Rights Tribunal** to file your complaint.

BC Human Rights Tribunal

Suite 1170 - 605 Robson Street, Vancouver, B.C. V6B 5J3

Tel: 604 775-2000 Toll Free: 1 888 440-8844

TTY (for hearing impaired): 604 775-2021

Online: www.bchrt.gov.bc.ca

This information sheet is intended for general information purposes only. It is not intended to provide or replace legal advice.



Protection in Employment

This fact sheet has been created to help you understand human rights in B.C. and the protection it provides you in employment.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

Information for Employees

The *Code* protects job applicants and employees.

How am I protected in employment?

You are protected by the *Code* from discrimination in hiring or on the job if the discrimination is based on one or more of the **protected personal characteristics**:

- Race, colour, ancestry, place of origin
- Political beliefs
- Religion
- Marital status
- Family status
- Physical or mental disability
- Sex (including pregnancy, transgender)
- Sexual orientation
- Age (if 19 or more)
- Conviction of a criminal or summary offence not related to the employment

You can file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against regarding employment.

What is discrimination in employment?

The *Code* protects all aspects of employment, including:

- recruitment ads
- interviews

- hiring
- working conditions
- promotions and dismissals
- benefits
- wages

Discrimination means treating someone badly or denying them a benefit based on a personal characteristic such as religion or disability.

Examples of discrimination in employment are:

- Firing a woman from a job because she is pregnant
- Making sexual comments about appearance, clothing, or body parts
- Refusing to hire someone because they have a physical or mental disability
- Paying a woman less than a man with the same job qualifications for the same job
- Forcing an employee to retire because of their age
- Refusing to accommodate a work schedule for a religious observance

How do I know if I have a Human Rights complaint?

To make a complaint under the BC Human Rights Code relating to employment, all of the following must be true:

- ✓ You have been treated badly.
- ✓ You are being treated differently and badly because of a personal characteristic, such as your race, colour, religious belief, gender, mental or physical disability, or sexual orientation.
- ✓ The treatment occurred in a situation at or relating to work.

Information for Employers

The Code protects job applicants and employees. Employers must ensure that:

- Employment decisions are based on criteria related to the job
- The work environment is free from discrimination

□ When interviewing

For employers asking questions during an interview, the general rule is:

Ask only what is needed to make a hiring selection on the basis of skills and merit.

□ When advertising jobs

The Code does not allow job ads requiring a specific personal characteristic protected by the Code, unless there is a legitimate job requirement. For example, an employer can advertise to hire only women for a position as an intake worker at a shelter for abused women.

□ What is the duty to accommodate?

Employers must try hard to accommodate the personal characteristics protected under the Code. This is called the **duty to accommodate**. The accommodation will depend on the specific situation.

For example, it may require an employer to:

- provide someone with additional training
- adjust a work schedule
- modify or purchase equipment
- change an employee's duties

If you require a modification or adjustment at work, tell your employer. The employer has the responsibility to make reasonable efforts to find the most suitable accommodation - unless it would result in **undue hardship**.

□ Where can I get help or more information?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

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Tel: 604 622-1100 Toll Free: 1 855 685-6222
Fax: 604 685-7611
Online: www.bchrc.net

You are a **respondent** if someone has made a complaint against you. **Respondents** anywhere in the province and Victoria-area complainants can get information by contacting:

University of Victoria

Law Centre Clinical Law Program
Suite 225 - 850 Burdett Avenue, Victoria, B.C. V8W 1B4
Tel: 250 385-1221 Toll Free: 1 866 385-1221
E-mail: reception@thelawcentre.ca

You can get additional information from the **BC Human Rights Tribunal**:

BC Human Rights Tribunal

Suite 1170 - 605 Robson Street, Vancouver, B.C. V6B 5J3
Tel: 604 775-2000 Toll Free: 1 888 440-8844
TTY (for hearing impaired): 604 775-2021
Online: www.bchrt.gov.bc.ca

This information sheet is intended for general information purposes only. It is not intended to provide or replace legal advice.



Racial Discrimination

This fact sheet has been created to help you understand racial discrimination in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because of your race, the colour of your skin, your ancestry or your place of origin (where you were born). It allows you to file a complaint with the **BC Human Rights Tribunal** if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

What is racism?

Racism is a belief that some people are better than other people because they belong to a particular race or ethnic group.

What is racial discrimination?

Racial discrimination occurs when someone treats you badly or denies you a benefit, harasses or insults you because of your race, colour, ancestry, or place of origin.

Racial discrimination can take many forms. For example:

- calling you racist names
- denying you service
- not hiring or promoting you but doing so for others who are of a different race
- threatening you and not others who are of a different race

Examples of racial discrimination

- An Aboriginal man goes to see an apartment for rent. After meeting the man and making a negative comment about the man's race, the landlord says the apartment has been rented. The next day the man calls the landlord to ask about the apartment and finds out it is still available.
- A company hires many new employees including immigrant workers to work in lower-paid jobs. Non-immigrant employees are trained and promoted, but the immigrant workers are not, even though they are equally qualified and experienced.

Dealing with discrimination

There are some actions you could take if you are being discriminated against:

- Keep a written record of exactly what happened and when, and of what was said.
- If the discrimination happens at work, in your apartment building, or in a store or restaurant, ask your employer or landlord or the manager to do something about it.
- Use internal complaint processes to file a complaint at work or school. For example, if the discrimination occurs at work and you belong to a union, ask your union representative for help.
- Contact or visit the **BC Human Rights Clinic** to get help.

For an overview of Human Rights in B.C., please see the fact sheet ***Human Rights in British Columbia: What you need to know***.

□ How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, **all of the following** must be true:

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your race, colour, ancestry or place of origin.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

□ Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

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Age Discrimination



This fact sheet has been created to help you understand age discrimination in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because of your age. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

□ What is age discrimination?

Age discrimination means treating someone badly or denying them a benefit because of their age. It is important to note that the *Code* only protects against age discrimination for people who are age 19 years of age and over.

Age discrimination can include denying an older worker training opportunities or denying a younger worker a position because they look too young.

□ Discrimination at work

An employer can't refuse to interview, hire, promote or fire an employee because of their age (19 or older).

An employer can't make age an issue or advertise for a certain age when hiring. For example, an ad must not say "young people wanted."

When hiring, an employer can ask if you are of legal working age. But an employer can't ask anything in order to determine your age such as "What year did you graduate from high school?"

After hiring, an employer might legitimately need to know the employee's age for a purpose like enrolment in a pension or benefits plan.

□ Discrimination in rental housing

Generally, landlords can't refuse to rent to you because of your age. They also can't evict you because of your age. For example, a landlord can't refuse to rent an apartment to someone in their 20s because the landlord thinks young people are noisy.

There are some situations where age distinctions are allowed such as:

- A landlord can restrict rentals to people 55 and older in an all seniors building.
- A landlord has the right to refuse to rent for any reason if the renter will be sharing a kitchen or bathroom with the landlord.

□ Accommodation, Service and Facility

A person or business that provides services to the public cannot discriminate against someone because of their age (19 or older).

These include:

- short-term accommodation, such as a hotel room
- restaurants or stores
- government services and transit
- recreation centres and other public facilities

Examples of discrimination based on age:

- A campground can't charge a group of 20 year-olds a \$100 damage deposit and not charge the same amount to an older couple.
- A doctor's office can't refuse to take an older patient because "older people have too many medical problems and they take up too much time."

□ Duty to accommodate

The **duty to accommodate** means there is a legal duty to adjust a policy, practice or service to meet a person's needs because of their age. For example, an older person's needs may require that changes be made to the usual way things are done. Refusing to take reasonable steps to serve the special needs of an older person could be discriminatory unless adjusting to their needs would result in **undue hardship**.

□ How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, all of the following must be true:

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your age.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in B.C., please see the fact sheet ***Human Rights in British Columbia: What you need to know.***

□ Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

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Discrimination against people with physical or mental disabilities



This fact sheet has been created to help you understand discrimination against people with physical or mental disabilities in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because you have a disability. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

□ What is a disability?

A disability is a condition that limits a person's senses or activities. It may be physical or mental, visible or invisible.

□ What are some examples of a disability?

- mental illnesses, such as depression
- learning disabilities, such as dyslexia
- drug or alcohol addiction
- diabetes
- HIV/AIDS
- sensory impairments, such as blindness or deafness

□ Do people have to accommodate my disability?

Employers, landlords, and people who provide a service to the public must try hard to accommodate the needs of disabled people up to the point of undue hardship. This is called the **duty to accommodate**.

How a disability is accommodated depends on the specific situation. For example, it may require that an employer or landlord:

- provide you with additional training
- adjust your work schedule
- modify or purchase equipment
- modify your work or workload

□ Discrimination at work

The *Code* makes it illegal for employers to:

- advertise a job in a way that discriminates against you because you have a disability
- deny you a job because of your disability
- pay you a different wage than other people doing the same job because you have a disability
- dismiss, lay-off or demote you because of your disability, unless you can no longer perform the essential parts of the job

□ Discrimination in a public place

Disabled persons have the right to use all public services and facilities, including movie theatres, stores, restaurants, educational institutions, public transit, and government services.

Sometimes a facility or service cannot accommodate a disabled person's needs. In that case, the service provider must prove that it would be an undue hardship to be required to do so.

□ Discrimination in housing

A landlord cannot:

- refuse to rent a house or an apartment to you if you are disabled
- charge you a higher rent or security deposit
- evict you because you have a disability

Human Rights in British Columbia: Discrimination against people with physical or mental disabilities



A landlord must accommodate a person's disability up to the point of **undue hardship**.

□ How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, **all of the following** must be true:

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your mental or physical disability.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in B.C., please see the fact sheet ***Human Rights in British Columbia: What you need to know***.

□ Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

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Discrimination based on gender identity or expression



This fact sheet has been created to help you understand discrimination based on gender identity or expression in BC. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or differently because of your gender identity or expression. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make or are thinking about making a complaint. **Retaliation** is when someone tries to harm you or get back at you for something they think you did or are going to do to them.

□ Definitions used in this fact sheet

Gender identity is a person's sense of themselves as male, female, both, in between or neither. It includes people who identify as **transgender**. Gender identity may be the same as or different from the sex a person is assigned at birth.

Gender expression is how a person presents their gender. This can include behaviour and appearance, including dress, hair, make-up, body language and voice. This can also include their name and pronoun, such as he, she or they. How a person presents their gender may not necessarily reflect their gender identity.

For example, if a person's gender identity is male, his gender expression is male only if he demonstrates typically male characteristics in behavior, dress, and/or mannerisms. Gender identity is different from a person's sexual orientation.

Trans or **transgender** is a broad term that describes people with different gender identities and expressions that do not conform to general ideas about what it means to be a girl/woman or boy/man. For example, people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer. Being transgender does not mean any specific sexual orientation.

□ What is gender identity or expression discrimination?

Everyone has the right to define their gender identity and to express their gender. Trans people must be recognized and treated as the gender they live in and prefer to express.

Discrimination happens when a person is treated badly or is denied a service or benefit because of their gender identity or expression.

Gender identity or expression discrimination can occur in a number of ways, including:

- You are called offensive names.
- You are exposed to inappropriate jokes, images, emails and social media.
- You are denied services where your gender identity or expression was a factor in the denial.
- You are fired or not hired or not promoted where your gender identity or expression was a factor in the decision.
- You are denied rental housing where your gender identity or expression was a factor in the denial.

Human Rights in British Columbia: Discrimination based on gender identity or expression



□ How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, all of the following must be true:

- You have been treated badly or denied a benefit.
- There is a connection between the way you have been treated (badly or denied a benefit) and your gender identity or expression.
- The treatment occurred in a public place; for example, at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.)

Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in BC, please see the fact sheet **Human Rights in British Columbia: What you need to know**

□ Where can I get help?

Complainants anywhere in the province can get information through the **BC Human Rights Clinic**. The people at the Clinic can help you understand the *Human Rights Code* or deal with a provincial human rights complaint. You may qualify for other types of services. Talk to someone at the Clinic to see if you are eligible.

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Sex Discrimination and Sexual Harassment



This fact sheet has been created to help you understand sex discrimination in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because of your sex or gender identity. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

□ What is sex discrimination?

Sex discrimination includes gender, pregnancy, and sexual harassment. It means treating someone badly or denying them a benefit because they are male, female, intersex, transgender or because of their gender identity.

Sex discrimination can occur in a number of ways, including:

- You are called sexist names.
- You are denied service.
- You are not hired or promoted, while others around you are.
- You are threatened.
- You are fired.

Pregnant and Breastfeeding Women

It is against the law to discriminate against a woman because she may become pregnant, is pregnant, or has a baby.

Nursing mothers have the right to breastfeed their children in a public area. It is discriminatory to ask them to cover up or breastfeed somewhere else.

□ What is sexual harassment?

Sexual harassment is a form of sex discrimination. It is sexual harassment if someone repeatedly says or does things to you that are insulting and offensive. It can be words or actions that are sex or gender-related.

There are many types of sexual harassment:

- unwanted touching
- making offensive jokes or remarks about women or men
- making sexual requests or suggestions
- staring at or making unwelcome comments about someone's body
- showing sexual pictures or images
- being verbally abusive to someone because of gender

Harassment may be sex discrimination even if it is not sexual in nature. This can happen when someone harasses you simply because of your gender. Sexual harassment happens most often to women, but it can also happen to men or between members of the same sex.

□ Sexual Harassment and Power

Sexual harassment is considered an abuse of power. But there does not need to be an imbalance of power for it to occur. For example, a worker may harass a co-worker, or a student may harass a classmate. It does not need to be a boss, supervisor or teacher for it to be considered sexual harassment. Sexual harassment can include treatment by a customer or client.

□ How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, **all of the following** must be true:

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your gender.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event occurs. (Note: There are some exceptions to this time frame.)

Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

For an overview of Human Rights in B.C., please see the fact sheet *Human Rights in British Columbia: What you need to know*.

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Discrimination based on Sexual Orientation



This fact sheet has been created to help you understand discrimination based on sexual orientation in B.C. If you have any questions, please contact the **BC Human Rights Clinic**. Contact information is available at the end of this fact sheet.

British Columbia has a law to protect and promote human rights. It is called the *BC Human Rights Code* or the *Code*. The *Code* protects you from being treated badly or denied a benefit because of your sexual orientation. It allows you to file a complaint with the BC Human Rights Tribunal if you believe you have been discriminated against.

The *Code* protects all British Columbians from discrimination based on sexual orientation, regardless of whether they are gay, lesbian, bisexual, or heterosexual. Transgender people are also protected from discrimination under the *Code*, based on their sex or gender identity. For more information about that see fact sheet **Sex Discrimination and Sexual Harassment**.

The *Code* also protects you from **retaliation** if you make, or are thinking about making, a complaint or are involved in some other way. It is **retaliation** when someone tries to harm you or get back at you.

□ What is discrimination based on sexual orientation?

Discrimination based on sexual orientation is treating someone badly or denying them a benefit because they are - gay, lesbian, bi-sexual or heterosexual.

It can occur in a number of ways, including:

- verbal abuse or threats
- unwelcome remarks, insulting jokes, or name calling
- denial of a service
- not hiring or promoting someone
- publications or displays that show hatred towards people based on their sexual orientation

Examples of sexual orientation discrimination:

- A woman and her same-sex partner go to see an apartment for rent. When they arrive to view the apartment, the landlord realizes they are lesbian and tells them: "I don't want your type of people living here because this is a building where we have traditional values."
- A gay man tells a trusted co-worker he is gay. Later, he finds his name included in graffiti that is insulting to homosexuals on the wall of the workplace washroom.
- A school board bans books from the classroom that show families with same-sex parents.
- An employer denies dental and medical benefits to the same-sex partner of an employee.

Human Rights in British Columbia: Discrimination based on Sexual orientation



□ How do I know if I have a Human Rights complaint?

To make a complaint under the *BC Human Rights Code*, **all of the following** must be true:

- ✓ You have been treated badly or denied a benefit.
- ✓ There is a connection between the way you have been treated (badly or denied a benefit) and your sexual orientation.
- ✓ The treatment occurred in a situation such as at work, in a store or restaurant, or between a landlord and tenant.

You must file your complaint within six months after the event happens. (Note: There are some exceptions to this time frame.) Filing a complaint starts a legal process that is similar to a court proceeding. A person who files a complaint is known as a **complainant**.

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□ Where can I get help?

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Appendix E

Immigration



DOCUMENT CHECKLIST

PERMANENT RESIDENCE - HOME CHILD CARE PROVIDER OR HOME SUPPORT WORKER

This document is available in PDF format only. You need to mail this form and other documents with your application. Please make sure you print this document, complete it and include it in your application as **the cover page**.

The checklist of required documents is subject to change. Applicants are advised to refer to the application kit on the IRCC website periodically while preparing their application to ensure that they have included all forms and documents listed on the most up-to-date checklist.

Gather your documents in the order of the checklist and check each item. Attach small items such as photos and certified cheques with a paper clip, otherwise leave documents unbound. Place all documents in a sealed envelope. If your documents are not in English or French, you must include the English or French translation with a certified copy of the original document, **and** an affidavit from the person who completed the translation (if the translation is not provided by a member in good standing of a provincial or territorial organization of translators and interpreters in Canada). Do not send any additional documents when submitting your application to the Case Processing Centre in Edmonton, Alberta (CPC-E).



Note: If you are unable to provide any of the requested documentation, include with your application, a written explanation with full details as to why that documentation is unavailable and any documentation that would support your claim. If your application lacks any of the documents without a reasonable justification, it will be returned to you or in certain circumstances could result in the refusal of your application.

IMPORTANT NOTICE: Answer all questions and sign all forms where applicable. Please note that by signing these documents, you are certifying that all information provided therein, whether prepared by you or not, is complete and true in all respects.

If you or someone acting on your behalf directly or indirectly submits false documents or misrepresents facts relating to your application for a permanent resident visa:

- your application may be refused;
- the circumstances of your refusal will be entered into Canada's global immigration database; and
- you and your family members could become inadmissible to Canada for five years under section 40(2) of the *Immigration and Refugee Protection Act*.

The officer will base their decision on the documents on file at the time of the assessment. In the following circumstances, it is your responsibility to notify the office processing your case and provide the relevant supporting documentation if there are changes in the following:

- family status (e.g.: marriage or common-law union, divorce, annulment, legal separation, birth, adoption, death of the principal applicant or any accompanying family member, including grandchildren born to dependent children);
- education (e.g.: completion of another degree); or
- mailing address/e-mail address/contact information.

Any changes which we have not been informed of will delay processing or may result in the refusal of the application or the exclusion of a family member.

Forms and supporting documents (to be completed by all applicants)

 **Do not submit originals unless otherwise stated as documents will not be returned.**

Original or certified copies of documents or more information may be requested by an officer at a later date. You must keep a copy of the completed forms and all documents before sending them to IRCC.

FORMS LIST		Format	<input checked="" type="checkbox"/>
1	Generic Application Form to Canada (IMM 0008) Completed, dated and signed by the principal applicant.	Original	<input type="checkbox"/>
2	Additional Dependents/Declaration (IMM 0008DEP) (if applicable) Completed, dated and signed by the principal applicant if the applicant has more than five dependants (whether they are accompanying or not).	Original	<input type="checkbox"/>
3	Schedule A: Background/Declaration (IMM 5669) Completed dated and signed by everyone in the following list: <ul style="list-style-type: none"> • the principal applicant • spouse or common-law partner (whether they are accompanying or not) • each dependent child over the age of 18 years (whether they are accompanying or not) 	Original	<input type="checkbox"/>
4	Supplementary Information - Your Travels (IMM 5562) Completed by the principal applicant	Original	<input type="checkbox"/>
5	Schedule 19 A: Home Child Care Provider and Home Support Worker Declaration of language and education (IMM0008 - Schedule 19A) Completed, dated and signed by the principal applicant	Original	<input type="checkbox"/>
6	Schedule 19 B: Home Child Care Provider and Home Support Worker Declaration of work experience (IMM0008 - Schedule 19B) Completed, dated and signed by the principal applicant NOTE: Send us this form either: <ul style="list-style-type: none"> • with your initial application package if you already have at least 24 months of qualifying work experience at the time of application or, • subsequent to your initial application, once you have obtained at least 24 months of qualifying work experience on an occupation restricted open work permit. 	Original	<input type="checkbox"/>
7	Additional Family Information (IMM 5406) Completed dated and signed by everyone in the following list: <ul style="list-style-type: none"> • the principal applicant • spouse or common-law partner (whether they are accompanying or not) • each dependent child over the age of 18 years (whether they are accompanying or not) 	Original	<input type="checkbox"/>
8	<i>Application for Work Permit made outside Canada (IMM 1295) OR if you are in Canada, Application to Change Conditions, Extend my Stay or Remain in Canada as a Worker (IMM 5710)(if applicable)</i> Completed, dated and signed by the: <ul style="list-style-type: none"> • the principal applicant (if you do not have the work experience) • spouse or common-law partner (if accompanying) • each dependent child over the age of 18 years (if accompanying) 	Original	<input type="checkbox"/>
9	Use of a Representative (IMM 5476) Complete, date, sign and include this form in your application if you have a paid or unpaid representative.	Original	<input type="checkbox"/>
10	IMM 5983 – Offer of Employment Home Child Care Provider and Home Support Worker Pilots You don't need to submit a job offer if you are providing proof of at least 24 months of qualifying Canadian work experience in a eligible occupation in your application package. If you don't have the qualifying work experience at the time of application, you are required to provide a job offer. Your employer should complete this form and provide it to you to submit with your application package. You must read the declarations and sign the form.	Original	<input type="checkbox"/>
11	Fee Payment Consult the "pay the fees" section in the instruction guide for further information		

DOCUMENTS LIST		Format	
12	<p>Travel documents and passports</p> <p>Passports or travel documents for you, your spouse or common-law partner and your dependent children. Include only copies of pages showing:</p> <ul style="list-style-type: none"> • date of issue and expiry • photo, name, date and place of birth • pages showing any amendments in name, date of birth, expiration, etc. <p>Copies of the above pages can be printed images taken of the passport or travel document.</p> <p><i>You must hold a valid regular passport. Diplomatic, official, service or public affairs passports are not valid for immigration to Canada.</i></p>	Copies	<input type="checkbox"/>
13	<p>Proof of Language Proficiency</p> <p>For you as the principal applicant, original designated language proficiency test results:</p> <p>English</p> <ul style="list-style-type: none"> • IELTS: International English Language Testing System (General Training test only) • ICELPIP: Canadian English Language Proficiency Index Program (General test only) <p>French</p> <ul style="list-style-type: none"> • TEF Canada: Test d'évaluation de français • TCF Canada: Test de connaissance du français <p>Note: <i>Language proficiency test results must indicate that you meet the required proficiency level in English or French and be less than two years old at the time you apply.</i></p>	Original	<input type="checkbox"/>
14	<p>Proof of Work Experience in Canada</p> <p>When providing proof of qualifying work experience in Canada in an eligible occupation, include:</p> <ul style="list-style-type: none"> • a copy of your most recent work permit in Canada; • employer reference letters for the periods of work experience identified in your application; • copies of your T4 tax information slips and your Notice of Assessment (NOA) issued by the Canada Revenue Agency (CRA) for the periods of work experience identified in your application; <p>If you are unable to provide any of the above, you can provide:</p> <ul style="list-style-type: none"> • a sufficient combination of other supporting documentation, which could include copies of a record or letter of employment from the employer in Canada, work contracts and pay stubs for the periods of work experience identified in your application. <p>Important: <i>when submitting your tax information, be sure to block out your Social Insurance Number (SIN) to protect this personal information.</i></p> <p>Employer reference letters must include all of the following information:</p> <ul style="list-style-type: none"> • the specific period of your employment (i.e. from/to dates) • a description of your main responsibilities and duties • the corresponding National Occupational Classification (NOC) code (if known) • your total annual salary and benefits • the number of hours you worked per week • employer's name and signature, full address, telephone number and e-mail address (if applicable). <p>Note: send us proof of 24 months of qualifying Canadian work experience in an eligible occupation either:</p> <ul style="list-style-type: none"> • with your initial application package if you already have at least 24 months of qualifying work experience or, • subsequent to your initial application, once you've obtained at least 24 months of qualifying work experience on an occupation restricted work permit. 	Copies (originals may be requested by an officer later in the process)	<input type="checkbox"/>
15	<p>Proof of Education</p> <p>For you as the principal applicant:</p> <ul style="list-style-type: none"> • proof of a completed Canadian one-year post-secondary educational credential (or higher); OR • proof of a completed foreign educational credential AND an original Educational Credential Assessment (ECA) report issued by a designated organization indicating the authenticity and equivalency of your completed foreign educational credential(s) to a completed Canadian one-year post-secondary educational credential (or higher). <p>Note: <i>your ECA report must have been issued on or after the date on which the organization was designated by IRCC and must be less than five years old at the time you apply.</i></p>	Copies, unless otherwise stated	D

DOCUMENTS LIST		Format	<input checked="" type="checkbox"/>
16	<p>Identity and Civil Status Documents</p> <p>You must provide the following documents for you and your spouse or common-law partner:</p> <ul style="list-style-type: none"> • birth certificates; • legal documents showing name or date of birth changes (if applicable); • marriage certificate(s), final divorce or annulment certificate(s). If married more than once, include certificates from each marriage and divorce or annulment you, your spouse or common-law partner have had; • death certificate for former spouse(s) or common-law partner(s) (if applicable); • national IDs, family/household registry/book (if applicable); • if you have a common-law partner, complete and include the Statutory Declaration of Common-Law Union (IMM 5409 – original) and provide evidence that you have cohabitated with your partner for a period of at least 12 continuous months. Provide the following documents listing both your names, for example: <ul style="list-style-type: none"> • copies of joint bank account statements, • copies of leases, • utility bills, etc. 	Copies, unless otherwise stated	<input type="checkbox"/>
17	<p>Proof of your ability to perform the work:</p> <p>You do not need to submit proof in your application package of your ability to perform the work if you are providing proof of at least 24 months of qualifying Canadian work experience in an eligible occupation. If you do not have the qualifying work experience at the time of application, you are required to provide proof of your ability to perform the work described in the lead statement of the occupational description of the NOC (NOC 4411, if you are applying for the home child care provider pilot and NOC 4412, if you are applying for the home support work pilot).</p> <p>When providing proof of your ability to do the work this includes:</p> <ul style="list-style-type: none"> • proof of relevant previous work experience (either paid or unpaid), this can include employer reference letter or employment records, work contract or pay stubs. • copies of relevant education credentials or training, which can include diplomas or certificates. • a copy of your most recent work permit in Canada (if you have been working in Canada). 	Copies, unless otherwise stated	<input type="checkbox"/>
18	<p>Children's Information (if applicable)</p> <ul style="list-style-type: none"> • children's birth certificates (which name their parents); • adoption papers issued by recognized national authorities showing the legal, approved adoption of adopted dependent children; • proof of full custody for children under the age of 18 and proof that the children may be removed from the jurisdiction of the court; • if the other parent of your children is not accompanying you to Canada, you must submit a signed Statutory Declaration from Non-Accompanying Parent/Guardian for Minors Immigrating to Canada (IMM 5604 - original). <p>You must submit one form for each child and a copy of the non-accompanying parent's photo ID showing their signature;</p> <ul style="list-style-type: none"> • you must submit proof if the child is 22 years of age or older and depends substantially on the financial support of the parent since before the age of 22 and is unable to be financially self-supporting due to a physical or mental condition. 	Copies, unless otherwise stated	<input type="checkbox"/>
19	<p>Police Certificates and Clearances</p> <p>If you are required to submit police certificate, you are strongly encouraged to submit them with your application to the CPC-E. If you are unable to obtain all the necessary police certificates, you may still send your application to the CPC-E without them. However, we strongly recommend that you take steps to obtain your police certificates now to avoid future delays. You must be ready to submit them when requested by an officer.</p> <p>Note: <i>Police certificates are generally considered to be valid for one year from date of issue; therefore depending on the processing time of your application, you may be requested to submit new certificates.</i></p> <p>Consult our Web site at: https://www.canada.ca/en/immigration-refugees-citizenship/services/application/medical-police/police-certificates/how.html for specific and up-to-date information on how to obtain police certificates from any country or territory.</p>	Original	<input type="checkbox"/>
20	<p>Required Photos</p> <p>Supply two (2) photos for each member of your family, whether accompanying or not, and yourself. Follow the instruction provided in the section How to Complete the Forms of the application guide and in Appendix A: Photo Specifications Photos must have been taken within six (6) months before application submission.</p> <p>On the back of one (1) of the photographs, write the name and date of birth of the person who appears in the photo as well as the date the photo was taken. Leave the other photograph blank.</p>	Original	<input type="checkbox"/>

MAILING YOUR APPLICATION		Format	
21	<p>Mail your complete application to CPC-E and include:</p> <ul style="list-style-type: none"> • this document checklist • supporting documents required in this checklist, and • 2 self-addressed mailing labels: <ul style="list-style-type: none"> • one in English or French, and • one in the official language of your country or territory of residence. <p>Consult the mailing address section of the instruction guide for specific instructions on mailing your application.</p>	Original	<input type="checkbox"/>

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